



# City of Gahanna

## Meeting Minutes

### Committee of the Whole

200 South Hamilton Road  
Gahanna, Ohio 43230

*Merisa K. Bowers, Chair*  
*Karen J. Angelou*  
*Nancy R. McGregor*  
*Kaylee Padova*  
*Stephen A. Renner*  
*Michael Schnetzer*  
*Trenton I. Weaver*

*Jeremy VanMeter, Clerk of Council*

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Monday, September 26, 2022

7:00 PM

City Hall, Council Chambers

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#### **A. CALL TO ORDER:**

*Vice President of Council Merisa K. Bowers, Chair, called the meeting to order at 7:00 p.m. The agenda for the meeting was published on September 23, 2022. All members were present for the meeting. There were no additions or corrections to the agenda.*

*Bowers noted the attendance of many people who might not normally attend meetings. She explained that at the Committee's meeting, this is an opportunity for the Council and administration to have a dialogue on items that might come before Council for a vote. Also, the Committee meeting is about educating members about certain topics. There is no opportunity for public comment tonight, but there are opportunities for public comment during regular Council meetings held the 1st and 3rd Mondays of the month. She added there is also a video comment submission feature that can be utilized in lieu of attending in-person. That is accessible at [www.gahanna.gov/city-council/](http://www.gahanna.gov/city-council/) as well as the ability for anyone to email members at [council@gahanna.gov](mailto:council@gahanna.gov) and weigh in on any matter. Bowers reviewed the agenda format for members of the public in attendance. Bowers said that the agenda includes a series that was put together with cooperation between Council and administration. Director of Economic Development Nate Strum has been putting together presentations on topics such as economic development incentives and land use throughout Gahanna. She also noted that the rezoning presentation to the Committee was to receive information from the applicant and from the administration. There will be a public hearing on the rezoning matter on October 17, 2022, which will include a formal opportunity for proponents and opponents to share their views at that time.*

#### **B. DISCUSSIONS:**

##### **1. Economic Development Training Series #4**

[2022-0278](#)

## Economic Development Training Series Reference Material

Vice President Bowers welcomed Jeffrey Harris, Of Counsel for Bricker & Eckler, and Nate Strum, Director of Economic Development. Strum said the presentation would focus on return on investment (ROI). Strum noted that he worked side by side with Harris in both of their previous roles in economic development. Harris worked with the Ohio Department of Development, City of Worthington, and Knox County. He is one of the lead writers and experts in economic development. Strum said Bricker & Eckler regularly collaborates with the City on policy, opportunity, and how to move the state forward in those spaces.

[2022-0280](#)

## City of Gahanna - Bricker Presentation 09.26.2022

“Filling the Financing Gap: Taxpayer funds merely enabling Developer to buy her kid a BMW 7 Series?” Mr. Harris said while he is an attorney for Bricker & Eckler, he had done economic development for about 20 years prior to joining the firm. Harris said there is a reason why he titled this slide the way he did. He walked through economic development concepts and ROI. Communities often overpay for development, hence the title. Are you using taxpayer dollars in economic development to a private investor’s ROI on a real estate development deal from a 12 percent return to a 30 percent return so that she can go out and buy her 16-year-old son a BMW 7 Series when he could have done just fine with a Nissan Sentra? Harris said the purpose of tonight’s presentation is how to fill the financing gap when development deals come in and the City is asked to bless economic development incentives. How does one ascertain what the right amount is to throw at a project from taxpayer funds? Additionally, he will review “Economic Development 1.0,” or the old style, and “Economic Development 2.0,” or the more enlightened current era in which we operate. There are things beyond Director Strum’s control, which he will also talk about. Lastly, how do you negotiate the extra formats when you buy the car (do the deal), fitting in with the car theme? Harris noted that they had a 120-page resource document that is a guide to all of Ohio’s economic development incentive programs and federal programs. The use of ARPA funds is also included in this guide. The Ohio Constitution understands and appreciates that local government can and will get involved in private transactions, specifically around creating or preserving jobs, improving the economic welfare of the state, or for the key areas of industry, commerce, distribution and research. At its core, what Director Strum does, and what Harris used to do in his former role, is intervene in otherwise private transactions to grow a tax base or to address market imperfections. Market imperfection is the notion that the private market fails to properly account for certain things in life. A business owner may make a purely rational decision to walk away from a building because it is obsolete, not worth the upkeep, but someone must clean up the mess. That somebody is the City. A more recent example is what turned into the Columbus City Center Mall. The problem with this was it was an enclosed mall built for a suburban audience in a downtown urban area. It was demolished in 2009 and had been well within the design’s

lifespan. The property has turned into a beautiful commons area. This was a market imperfection, where the property owners, real estate investment trusts walked out, and the tenants said “it’s not worth it” and left. This was a market decision, purely rational, but left empty a 1.3 Million square foot building. When cities get involved in private transactions, they are trying to push tax base growth through payroll tax credits, real estate property tax exemptions, and many acronyms each having a purpose to divert tax revenue (such as a TIF), along with forming special-purpose entities that increase effective tax burdens. When Strum and others in this field are intervening with Council’s authorization, he and others must ask what is the desired outcome? The goal is to grow sustainable payroll, good jobs in community, and revitalize the downtown. Is it worth getting involved in particular transactions? Perhaps there are certain projects the city or Director Strum or others will not support. Harris provided an example from Knox County where there was a lead for a project on a pet food manufacturer who wanted some space. This type of manufacturing has a heavy component of meat rendering. Harris told them the community was not going to go for it. There may be other undesirable projects each community has to pass aside. Where do you want to encourage that growth from a location aspect? Harris noted we needed to be careful when we get into economic development with public finance and the public’s trust. There is an urge to simply do something. When Knox County’s economic development director, Harris asked himself what he could show on a tally sheet that he had accomplished. In truth, not a lot. He said there were a lot of grueling days, with most spent just trying to lay the groundwork or set the table for projects coming. Every project he has ever worked on was at least three years in length from start to finish and usually longer than that. There is an urge for economic developers to turn up in newspapers, shovel turnings for groundbreaking, and make haste. Harris said we need to be careful, as sometimes government is getting overly involved in a project when they do not need to. He stressed thinking through when offering carrots to come into one’s community, there are those who will say just the right things to leverage types of incentives or deals that could be made. We need to think through why are we being asked to contribute? Is the City being shopped around just for the best deal for a private developer? This is reasonable and part of the American way to make a profit, but Harris said we needed to be careful when having taxpayer dollars involved. Economic development is best viewed as acknowledging there are rules to the game. We want to make sure to respect guardrails. Using Goldilocks and the porridge as an analogy, he asked to think about what the right temperature is to grow the community, including the school district, build up infrastructure, make sure the city is suited for an incoming deal, and make sure the deal is structured right.

Harris said that the “old way” to do the deal is get out and do whatever you can to create jobs, strike as many as you can, put out there on the city’s website that it is taking any deal with 100 percent tax abatement, or the state’s maximum. This was the ecosystem when Harris was learning economic development. Harris and others started questioning this system. When talking about negotiating public dollars, shouldn’t this start every deal at zero? When a developer says they need the city to give a tax abatement or

income tax credit or land for free, Economic Development 1.0 would say “just do it.” The city wants to get the newspaper headline and get as many deals on a tally sheet (quantity over quality). What is the quality of jobs shown to the city? What does the developer need? Give no more than this. Oftentimes in the “old way,” or Economic Development 1.0, you would get the deals done, abate real property taxes, and send the schools a “perfunctory notice” that this was going to happen. When in Worthington, there was a large city that had a significant number of students in their district. This city would send the Worthington school board a perfunctory notice of the deal and say, “live with it.” It is incredibly frustrating for a school district to receive these letters and not be able to do anything about it. Instead of this process, start back at zero percent, bring in the school district, see if the deal is worth taking, and ask what the school district needs for the negotiation. What else could the City do to help the schools get, since together they are a collaborative enterprise? If a city puts themselves out there and says it will heavily incent any project that comes at them and offers the state incentives at maximum levels, it is probably overpaying for the development. In other words, a Nissan Sentra would have gotten the deal done, but instead you have given the developer a BMW 7 Series. So much of the taxpayers’ dollars were thrown at the deal. Instead, have a frank conversation with a developer who says they need a real property tax abatement at 100 percent for 15 years. Director Strum would say to the developer, “Let me see your pro forma. What does your investment spread look like?” The conversation is collaborative as each party walks through it. Director Strum would say, “I see on your sheet that you need \$300,000 to get the deal done.” Strum noted that this is the ROI tax sheet that Council sees. Harris continued, if Director Strum said to that developer, “If we gave you a 100 percent abatement for 15 years, this nets out to \$700,000,” the City is overpaying for the development since the developer has told him, and it has been agreed, that there is a \$300,000 gap in financing. You do not need to give so much in taxpayer funds to get a deal done that the developer gets a lot better deal than expected. Think through things less than the state maximum, such as a 6-year, 40 percent abatement to cover the budget hole. Harris also cautioned be careful of the magic words or phrasing used by the developer, “Well, we are thinking about Indiana. It is either Gahanna or maybe southeastern Michigan.” If there are out-of-state competitions, you first draw down state incentives (JobsOhio) beyond just what the City could do. Those are the rules of the game. What is it going to take, then, from public investment? What is the developer’s capital stack? If a developer has purely a sliver of skin in the game, then most is leveraged debt and public investments. In this case, Harris said you might want to run clear. If the business model is mostly government investment, this is a problem. How is the business going to make money? In a net present value sense, what the current value of any incentive is today, it is important to understand how a city incentive sheet looks to a developer. Harris presented a slide on the “Capital Stack.” He explained this as grants offered by public entities, then the developer’s own equity, and then a series of debt layers added on with higher and lower risk profiles. The grant monies are of the highest order for a developer because they are the lowest risk. When folks are coming to the City, remember that someone coming to the project is typically not just

shopping homogenous communities. They have come to the City because they like the property, they like the City, they have family from there, or some other connecting point to the home community and the project being brought forward. In theory, you do not have to overpay for something they already want to do in the first place. Anytime the magic words are shared about picking up and moving to (insert location), the amount of cost to relocate is phenomenally high. Sometimes these are bluffs. So, you say what is it going to take to get the deal at an amount that is reasonable for the taxpayer but also gets you what you need. Sometimes it is ok to say "no" and wish the developer well. It is ok to say, "Hope you move into the building, but we are not going to put any public dollars into it." Harris said he did this most recently in his local career with a call center. They inquired as to what they could get for an incentive. Harris told them nothing. Call centers can pick up and move. There is barely any fixed asset investment and the turnover for employees is extremely high. Additionally, the wages are not that great. He noted this was relayed pre-COVID-19. The idea was that he still wanted the deal but was not going to put any taxpayer dollars into it. He noted the call center came anyway. The idea that you get projects without getting a lot of credit for it because you are just in the background scene, that is a deal worth going for or not going for and allows the public dollars to filter out as they should. Ask the question, "Is the juice worth the squeeze?" Someone might say they really need investment from the City, and it might be that it is a real estate tax abatement. You then ask what they are talking about and go through a litany of questions to understand the project. It turns out that they will not get much benefit from the deal. The economic development director will say to the prospect, you are going to pay more for an attorney to read the contract sent to you than you will get in your first year of benefit. At some point, it may just not be worth doing the deal to the property owner or developer. What is it going to take to get the project done? Lastly, Harris reviewed things outside the control of an economic development director. There may be folks ideologically opposed to incentives and prefer that the free market carry the full weight. There could be school board politics and how the local school board functions or not and township versus municipality versus county tension points. There could be private ownership of what otherwise would be ideal properties to develop or there could be things at the state level in terms of whether or not they are going to support a project. Harris provided an example of the number crunching to understand what the bottom line is to get the deal. The example was for a grocery store in Worthington. The store said they needed \$110,000 to pay for a relocation of a storm sewer. On the pro forma, it was understood through a frank conversation with the developer to design a TIF on \$110,000 paid to the developer and nothing more. If the City saw \$277,000 in net present value to the TIF, the remaining \$167,000 went into the City for other related infrastructure. After this deal closed, the developer asked for more beyond the \$110,000. No, the agreement was done, as it was shown how much it would cost to relocate the sewer line. The developer did not understand that with the way these things flow, you could see even beyond the \$110,000 of revenue to the TIF Fund. The point being, do not overpay for development.

Vice President Bowers thanked Harris for the presentation. Councilmember Angelou also applauded, and said she wanted to hear more. Bowers said she was really enjoying the presentation, especially the delivery of it.

Councilmember Weaver expressed his thanks to Director Strum for this series, noting each presentation had a lot of value. He thought Harris hit the nail on head that the City should expect developers to have skin in the game, at same time being good stewards of taxpayer dollars. He thought Council colleagues would agree that these kind of projects should result in a symbiotic relationship. He said Director Strum does fantastic in laying it out for Council. Weaver asked if Harris or Strum could explain further on when JobsOhio gets involved and what additional incentives they are able to offer at the state level compared to municipal level. Harris said JobsOhio gets involved in attraction-based projects (new projects coming into the state, and potentially to the City if identified as a potential location) and with interstate competition. With the interstate competition, a project site selector hires a vendor to find a location. The site selector does not care where the project lands. They will send out feelers and notes to various states on what they need. This bait gets picked up by all the states, and in Ohio this would be through JobsOhio. JobsOhio then filters it down to a region level, which this region is OneColumbus. Strum would get the lead. Then, with interstate competition, JobsOhio gets involved with its own bevy of incentives, grants, low-interest or no-interest loans, job tax credits. Strum said JobsOhio's biggest carrot in the conversation is the Job Creation Tax Credit (which is a credit against the Commercial Activity Tax, or "CAT" tax). This is a fully refundable tax credit. If the generation of the CAT in an annual year is less than the value of the Job Creation Tax Credit, then those dollars are directly refunded to the company above and beyond. Strum added that the other major grant programs are in data center area, research and development incentivization, and infrastructure improvements funding either directly through JobsOhio, Ohio Department of Development, or Ohio Department of Transportation.

Councilmember Schnetzer thanked Harris on the very engaging presentation. As the last comments involved interstate competitions, Schnetzer asked whether Harris had any guidance, thoughts, best practices on intra-state, or intra-regional competition, or "poaching" by other communities. Would an agreement between regional communities even be feasible or appropriate? Strum said he would like to answer this one. He explained that within the Mid-Ohio Development Exchange (MODE), there is a handshake arrangement that there is no poaching. In instances of growth and opportunity, if a company were to knock on Strum's door and says they are in Delaware and looking to grow in Gahanna, the first conversation he has is with the City of Delaware. Strum said he would tell the City to talk to that company. Strum said he would talk to them, but the last thing Strum wanted was his counterpart in Delaware having the same conversation with a company from Gahanna. Strum emphasized that there is mutual respect in this space, as economic development directors do not want regional developers going around to everyone else's communities drumming up their

own leads based upon businesses that are upset at their local communities. Harris said what Strum just described was the Economic Development 1.0 era, with contact lists and cold calling companies in the next town over. Truly, this is counterproductive, as half the workers of that business are living in your community already. Harris' other thought is if there is a company shopping around for incentives, he first would want to get to know who they are, what other communities they are looking at, whether they are just trying to get the juiciest deal or find out if there is some other compelling reason they want to be in the community. It might be they really want to work in Gahanna. Harris said the ones you want to be cautious about are the ones who call every community on the I-270 outer belt and ask, "What will you give me?" Strum added to also be cautious on the ones that do this every 10-15 years whenever the abatement goes out. Harris agreed that if a company is wanting to do this now, rest assured that when their abatement burns off, they will be doing the same thing and calling around. Be careful of who you make friends with because you might be in a tough spot when the incentive goes away.

Bowers said it was good to hear discussion on interest-based negotiation versus positional-based negotiation. She appreciated hearing that this was going on with the director's day-to-day work in moving these deals forward. Bowers said she was interested in hearing about the first set of slides that had been shared with Council on the "Goldilocks Porridge," specifically on the ROI kind of approaches and analyses. Bowers asked for a rundown of these, thinking through what the benefits are of an abatement and are they going to address needs of the business. She cited that the advice was "do not rely on the developer's financial pro forma" and be comfortable with digging into the spreadsheet. Harris said what he has found is that he or she that owns the data often owns the negotiation as it comes to the incentives. It is very important for Strum to do his ROI calculator. If someone is going to ask for an incentive, run the numbers first. He said a lot of times he will get folks who say they want an incentive but do not know what that means. Harris said he will ask further whether the prospect knows what their commercial real estate tax millage load is, and they will not know. So, you take it apart and unpack it. The ROI conversation would be to see the pro forma from the developer. In the earlier example, they needed \$300,000 to get a project done, but if you own the data for how the incentive works, you will know that if offered a 15-year abatement at 100 percent that would well overpay the \$300,000 needed. So, having a spreadsheet for each program to know what the value of it would be to a developer on an estimated basis is important. Can the City get the developer what it needs with half of what they are asking? Strum added that the Stanford article (from the reading materials on this series) and what the City does opportunity wise with the ROI calculation and what the developer is looking for is all aimed at trying to figure out a balance at the end of the day. What Council sees from Strum is the final ROI calculator that he pulls together. The ROI calculator is an evolving tool that was originally developed by Ohio University. For Strum, there is no silver bullet or easy button. Where we find the most value on the public side is where the leverage is going to happen. If the City wanted to prioritize manufacturing jobs and food

production manufacturing jobs specifically, this is going to have a different weight to it than if the City was going to evaluate what medical jobs or general office jobs the project would bring. Strum stated that this is continuing to tip the scales to prioritize ROI because ROI in a deal is very different depending on how you are prioritizing from a public sector standpoint. Strum said that what Harris touched on in the original slide deck is that along with talking about the dollars and cents, time can also be a critical component and value in these deals. If one could save time in the rezoning process or on infrastructure development programming or workforce alignment or school relationship building, this brings just as much value if not more at times as the dollars and cents of an abatement or an income tax credit.

Bowers asked if there were any further closing comments. Strum noted there is one more session, "pulling it all together" slated for the Committee meeting on Oct 10th. Strum said he will also walk through how we move forward as a department and as a city and having frank conversations on where adjustments could be made. As a landlocked community, Strum said we need to be very strategic. He noted there are two philosophies in economic development. It is one that is exceptionally strategic and hyper-targeted or just wanting every deal every time. Strum said as a City we needed to be super strategic on how we approach these opportunities to grow our economy.

## **2. Update from IT Department on Website Contract**

### [2022-0281](#)

#### Website Redesign Council Presentation

Kevin Schultz, IT Manager, shared a presentation with the Committee on the City's website. Schultz said that anyone who ventures to the current website would likely find the website to be an extremely challenging tool. In June, the City released a Request for Proposal (RFP) to solicit different proposals from variety of contractors. The City received five proposals and inquiries from 12 different vendors. The costs ranged from \$172,000 to \$13,000 to redesign and redevelop the website. From this process, the City shortlisted two vendors to interview. It was a very competitive process. Schultz said he had been part of many RFPs in the past but had never been part of a process that was as competitive as this one. He added that cost became a factor. The City ended up selecting CivicPlus, a web-based tech company. They do many municipal websites in the state and throughout the country. This company has over 12,000 municipal customers and offers other products. We are already connected with their Municode, ArchiveSocial and NextRequest products. Schultz noted the City signed the contract last week, and it will go to stakeholder engagement. The process will consist of initiating the project with analyzing the existing website. The current site has over 500 pages on it. Most of this information is outdated and very narrative in nature. CivicPlus will do a complete redesign, rebuild, and reorganization. This will take about five to seven months for relaunch. This will be formatted and responsive for mobile devices, iPads, and desktop computer viewing. The City elected to upgrade the package to include premium headers. This involves a similarly



branded site, but a different organizational structure for information to be organized in a more appropriate manner (for example, Parks & Recreation or Economic Development). The new website will directly integrate with social media and posts managed through a content management system. There will be the development of an online form center to eliminate or reduce the printing of PDFs and return of documents to City Hall. The site comes with payment gateway integration. As we adapt, the information that residents need changes. The information should be upgraded and then ultimately displayed to folks. The cost overall is \$49,730 for a one-time implementation fee, with \$11,000 in annual maintenance costs. Schultz noted that currently the City spends \$10,200 on annual maintenance for the existing website. This change also gives us the ability to lessen the technology stack the City is dealing with. He said we would be able to eliminate one or two different pieces of technology. The newsletter package the City currently has will go away, which is about a \$10,000 cost savings.

Vice President Bowers asked whether the \$10,000 cost for newsletters was an annual fee or a for a four-year period. Schultz said it was an annual fee. Schultz said this update was information only, and that with the new new procurement policy, this did not require Council action for the Mayor to sign the contract. The contract was signed last week. As the City begins implementation, parts and pieces will be shared throughout the year. Mayor Jadwin noted this was included in the 2022 budget.

**C. ITEMS FROM COUNCIL OFFICE:**

[RES-0031-2022](#) A RESOLUTION RECOGNIZING OCTOBER 2022 AS ARTS & HUMANITIES MONTH FOR THE CITY OF GAHANNA

Councilmember Weaver explained that Arts & Humanities Month is a national effort. He encourages community members take advantage of the many opportunities provided in the city. For example, the Gahanna Area Arts Council in partnership with sponsors helped bring out the Columbus Symphony at Sunpoint Park. He said he would appreciate any feedback on the draft. Bowers noted this item was of particular interest to Councilmember Angelou as well. Weaver asked for this to be on Regular Agenda, as there might be guests in attendance.

**Recommendation: Adoption on Regular Agenda 10/3/2022.**

[ORD-0056-2022](#) AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF GAHANNA ADOPTED BY ORDINANCE 198-96 ON NOVEMBER 19, 1996, AND SUBSEQUENTLY AMENDED; CHANGING THE ZONING DISTRICT OF 13.96 +/- ACRE PARCEL LOCATED AT 5503 MORSE ROAD, PARCEL ID 025-011219 FROM ESTATE RESIDENTIAL-1 (ER-1) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD); PROJECT MORSE ROAD 14, SCOTT HARPER, APPLICANT

**Recommendation: Introduction/First Reading on Regular Agenda 10.3.2022 and**

**Second Reading/Adoption on Regular Agenda 10.17.2022.**[2022-0282](#)**Morse Rd Rezoning Council - Director Blackford Presentation 9.26.2022**

Director Blackford introduced the item before the Committee. He noted that the Planning Commission recommended approval of this action. He presented the map of the subject property and surrounding zoning. This is a request of rezoning of under 14 acres or property from Estate Residential (ER-1) to Multi-Family Residential District (MFRD). Blackford provided background on ER-1, which is a five-acre lot, zoned for single family which is allowed by right, but there are also other uses allowed beyond single family, including parks, agricultural uses (crops and farm animals), farmers markets, agricultural storage and processing, stables, vet and kennels, and bed and breakfast. MFRD has one use allowed by right, multifamily. With MFRD, density includes 18 units per acre. This requires a conditional use. The proposal for the project includes 251 units, which is the maximum allowed by Code. However, Council is not approving or denying unit density. It is only considering the zoning classification. If approved, there are additional applications required. The Code requires land dedication or fees in-lieu as part of the MFRD rezoning process. The applicant, various members of City staff, and the Parks & Recreation Board all provided feedback on this, and it was the desire of the City (Director Blackford, Director Ferrell, the Parks & Recreation Board) and the applicant to do fees-in-lieu as opposed to on-site land dedication. There is an appraisal required for this based off of the projected population of the project and the size of the project. If approved, the City would get \$175,000.01 for the fees-in-lieu. Blackford shared a slide on the conceptual site plan, which the applicant will talk about. He said this is probably what the applicant will be submitting. He pointed out a few elements, noting the setbacks require a 25-foot setback for the front, side, and rear property. What the conceptual rendering does not show is the buffering that the Code requires and landscaping. If the rezoning is approved, future applications would show buffering and site layout. This is proposed as two- and one-bedroom units. When staff evaluates a rezoning request, they look at the Zoning Code and Land Use Plan. The Land Use Plan designates the area as mixed use. Mixed use typically means either a vertical or horizontal mix of uses. In Gahanna, this means looking at all the various mixed-use properties and seeing a variety of uses. It is not that every project has to have mixed uses in and of itself. Residential is an encouraged use in mixed use. The Land Use Plan says, in theory, up to 70 feet building height and up to 30 units per acre may be appropriate in mixed use areas. Over 90 percent of the City's housing stock was built before 2000. The Land Use Plan talks about the need for additional housing opportunities and how market preferences have shifted from single family lots to different opportunities. Blackford said that the Land Use Plan most importantly is not law but a guide for decision making. It does not mandate decisions. The Zoning Code has six different criteria when evaluating a rezoning that applies to staff, Planning Commission, and to City Council. First, is it consistent with the goals of the Land Use Plan? Second, is the development physically compatible on the property with the allowed uses? Third, are there land sites available elsewhere already zoned for this

particular use? Blackford noted on this question, he has had multiple conversations with people on the lack of available land for this particular use. Fourth, what is the compatibility of all potential uses allowed in the proposed zoning? The only use allowed would be multi-family. Fifth, what is the capacity of infrastructure? Blackford noted a preliminary review is done at this stage. If approved, the infrastructure would be further refined through the engineering process. However, the preliminary review did not indicate any major deficiency. Sixth, is there apparent demand for permitted uses? Blackford noted as just indicated, there is definite demand. The predominant zoning in the subject property's area is multifamily. There are over 100 acres (noted in red on the map slide) zoned MFRD in this area. From the staff point of view, this is the predominant zoning. The only property in the area that is zoned ER-1 is the subject property. Blackford said the existing zoning is not appropriate. MFRD is more compatible and consistent with the uses in the area. It is consistent with the recommendations of the Land Use Plan. Residential is one of the recommended and preferred uses to meet the needs for additional housing opportunities. Last year, Blackford said people from the Mid-Ohio Regional Planning Commission (MORPC) came in and discussed job creation being linked to the creation of housing, recommending a 1:1 ratio. For every job there would need to be a residential unit. Maximizing the density is important. Blackford stated the rezoning was approved with a vote of 6-1 by the Planning Commission. Other applications were considered and approved (conditional use and variances) by Planning Commission as well. They will go into effect only if the rezoning is approved. If approved, again there will be a variety of applications that will require a public hearing, including the Final Development Plan and Design Review plan. The site layout, landscaping, building design, building materials, etc., will be refined through these additional applications. Additionally, the project would require building permits and engineering plans on the drainage and infrastructure to support the request.

Bowers asked about the parcels to the east and west of the subject property. What are they zoned? Blackford said those are zoned Suburban Office. Sage Park is to the west and Story Point, a larger assisted living facility, is to the east. Those projects were developed when Zoning Code allowed for those facilities in Suburban Office. Subsequent to those, this was changed to allow those in multi-family residential only.

Councilmember Weaver clarified that the item before Council at present is the proposed rezoning. Blackford said that is correct. Weaver asked whether in the future proponents and opponents would be able to be heard on the final development plan at Planning Commission. Blackford said this is correct. There is public input and advertising that goes out to adjacent property owners. Weaver asked after this what else would come before Council. Blackford said this would most likely be the only item.

Councilmember Schnetzer thanked Blackford for the presentation and comments, specifically on the Land Use Plan. Schnetzer served on the steering committee, along with Bowers, for the Land Use Plan. This plan is

the principal guiding document when it comes to decisions such as this. He spent time revisiting it. He believed it to have been formalized in 2019. Schnetzer wanted to draw attention to the public engagement section within the focus area for the north gateway. He quoted, "The north gateway, west gateway, and downtown focus areas received zero total votes for additional low density residential despite this character type currently representing 40 percent, 51 percent, and 31 percent of those area land uses respectively. The north gateway area had a smaller number of desired land uses represented, with the highest voted being Community Commercial." Schnetzer said the document goes on to discuss that this is an acceptable land use designation, as Morse Road makes up a large portion of this focus area and would be the correct setting for Community Commercial development. He said there was about a 3:1 ratio from the public engagement portion that would consist of some form of commercial vis-a-vis residential. Schnetzer asked whether anything has changed to be taken into consideration such as with when there is a request for MFRD versus the overwhelming will of residents for something commercial. Blackford said that a lot has changed since the analysis for the Land Use Plan, which was done in 2018 and subsequently adopted in 2019. From a planning standpoint, Community Commercial is largely retail and service types of uses. Demand for these has plummeted. He said he did not think he had received possibly any more than two or three calls per month on these types of uses. Demand is not there. Traditionally, these would be more of a standalone auto use for demand in Community Commercial. This seems to be the way things have been trending. The inquiries Blackford receives for retail are virtually nonexistent. Schnetzer asked for more clarification on neighborhood commercial and professional office. These could be dentist offices or surgery centers. Would these be acceptable uses or fit that definition? Blackford said, yes, these would fit Community Commercial. These are typical uses one would see in those zonings.

Councilmember McGregor said one thing that has changed is the way we increased the income tax and did away with the "piggyback tax," which everybody paid a portion of in Gahanna. Now, only the people working in Gahanna pay the income tax. McGregor said that if this property was office or professional buildings, the City would see a gain with commercial, whereas with residential maybe or maybe not. We may not see any income tax from that development or a very small part. If a business office, surgical center, or doctor's office was there, we would be receiving income tax on that. Blackford said this would be true but noted that the property tax is in a Tax Increment Financing district. So, the City would be capturing additional property tax in the area from this development. McGregor said this is a remote area from parkland. She wished there was open space dedication in this area and adequate storm detention because with 250 units, there is no parkland or place to walk a dog. Blackford said there is onsite recreation amenities in the proposal. McGregor asked if this was open space parkland. Blackford said a parkland dedication would be public park. He added that there are recreation amenities proposed for residents, such as a clubhouse and pool and open space requirements. He said he believed that requirement was 15 percent.

There would be greenspace and a rendering from the applicant would have something more visually interesting than the conceptual site layout he has presented.

Bowers followed up on the Land Use Plan. With the community polling that was done with respect to the north gateway focus area, she found it interesting in the survey that at least 60 percent in every age category believed more apartments were needed in the city. The Council has talked a lot about the need for diversity of housing options in the city as part of a growing region. To McGregor's question, one of the things Gahanna is proud of is the per capita acreage of parkland to residents. Bowers asked how the City was thinking about continuing to add park space. She thought this might be more appropriate to ask during the Parks Master Plan, but possibly Blackford or the Mayor could address it now. Blackford said the Land Use Plan did not have specific recommendations on parkland versus fees in lieu. It does talk about the amount of park space. The city has 2.5 times the national average of parkland. It also talks about having enough to go around and the need to have additional types of uses. Parkland is the second most abundant use in the city. There is more of that than vacant land or industrial land. Blackford said the plan recognizes the need for more uses that generate taxes. Bowers confirmed this property is not in a Community Reinvestment Area (CRA) but is in a TIF. Blackford said that was correct. Mayor Jadwin said the Parks Master Plan would play a prominent role in this. She reminded that there would be 34 acres of parkland to be deeded to the City through the Crescent project.

### [2022-0283](#)

#### The Stonehenge Company Presentation - Rezoning 5503 Morse Road COTW 9.26.2022

Doug Ervin, The Stonehenge Company, introduced Monica Morgan Whitehead who is the property owner for 5503 Morse Road. Ms. Whitehead said she inherited the property from her family. The property has been in her family since the 1940s and was her late grandmother's homeplace. Her grandfather farmed the "weeds side." Her late grandmother died at age 19. Whitehead relied on her late mother's recollection of her grandmother. Her mother died 20 years ago and wanted her to keep the property because of the memories of the "weeds and woods." Back then, this was in Jefferson Township. It was not in Gahanna until probably the last 10 years. For the past 20 years, Whitehead has owned the woods and had been contacted by many developers. She took time to interview each developer to see what their idea was to make her property beautiful. Last year, she decided it was time to share with the people of Gahanna this new project. This was not an easy decision but that it was time to make something new and beautiful with this property. She chose Stonehenge after lengthy discussions with them and many others. She said she respected their attention to detail for what she wanted to see and for what they do for the community and the people around the property. She really believes in Stonehenge. They have had meetings after meetings which included architectural meetings. Whitehead said it is a great partnership. She has learned a lot and never thought she would ever

need to learn all this information. However, she hoped Council moves forward and approves the rezoning to make it a beautiful property for Gahanna.

Mr. Ervin thanked the Committee for the time to present. Referring to the presentation slides, he noted what is being proposed is a \$50 Million investment. It will be gated and fenced as part of being a good neighbor and offering a good amenity to residents. Director Strum created the numbers on the screen for non-school TIF and school compensation. It is a very wooded site currently, and the goal is to keep as much wood there as they can. They are bringing in a firm on landscape design and stormwater management. The goal is to keep trees on the perimeter, especially the mature trees. It is the right thing to do. Ervin said if they were to proceed and move forward, the landscaping ordinance requires certain number of trees, so there is preference to keep as much as they can of what is already there. As mentioned through many presentations, currently this site is impacted by the development from all of the neighbors. The water is running on the property and created a jurisdictional wetland that is just all drainage from the developments that have occurred over the last 40 years. They are mindful of the water coming at them and the water that they will discharge with their development. They are going to employ as many sustainable stormwater management practices as possible. They are doing this by not relying on traditional retention ponds solely but are going to use rain gardens and everything they can to help charge the existing aquifer to get a good discharge to come out of the southeast corner in the water quality pond. They can use sustainable stormwater management methods as buffer to neighbors. He showed examples of their rain gardens that are aesthetically pleasing and do a good job of keeping from having water just running off roofs and into catch basins. Ervin said The Parc community in Gahanna has been very successful, having opened in 2017. He said they pay a lot of real estate taxes and contribute a lot to Gahanna-Jefferson schools. The proposed development is one to two-bedroom units. With The Parc, Ervin said there were a small number of three-bedroom units, with only 21 school-aged children in residence. So, his point was that they were not having a huge impact on the school system or creating any overcrowding, which is typically a “bad rap” that the multi-family projects get with dumping a lot of kids into the school systems. This is not the case for The Parc, and it would not be the case at this Morse Road location. Ervin said Stonehenge is here in Gahanna. They are in a beautiful church, which is a great example of adaptive reuse. This is their corporate office. They did Creekside, Shagbark, Sycamore Woods, and finished an adjoining condo project another developer could not complete. He stressed that their company is a good neighbor. The development’s proposal at Planning Commission sparked a lot of civic engagement, with a lot of folks [in Chambers]. Ervin said they listened to the 16 speakers during that meeting and since the meeting have met with residents of Amberlea Village and Windward Trace twice and are going to continue the dialogue and understand their concerns. He said the company wants to see where they can have a “meeting of the minds” and generate best ideas from each other. He referenced some of the people involved in those meetings in the audience tonight. He said that while nobody liked

change, he hoped that with there being more dialogue and people open about how to proceed, the better it will be for all parties. Ervin introduced team members Adam Trautner with Stonehenge, Scott Harper, architect, and Andy Gardner with V3. He opened for questions.

President Renner noted Ervin said the company has been meeting with residents. He applauded them for doing this. He clarified whether the company was meeting with residents organized within their homeowners' associations (HOAs) and their leadership. Ervin said the people they have been meeting with include the [HOA] elected officers and concerned residents from each of those communities. Ervin has shared all his contact information with them and vice versa. They have been emailing back and forth. Ervin said as progress is made, the neighboring residents had a commitment from him to share different iterations of site plan prior to public meetings. Renner asked whether Ervin would characterize the nature of discussion as listening to feedback on design? Ervin said absolutely. This is intentional conversation. He noted Director Blackford pointed out setbacks, and just through discussions with residents, they have found five more feet of setback so that it is now 30 feet. He said they are trying to approach this from a win-win outcome. Renner thanked Ervin and Stonehenge for leadership on this. He asked on the compatibility of hydrological and environmental aspects and said he would like to hear from Gardner on stormwater management and rain gardens. He said that through his county position, Gardner's reputation preceded him. He requested Gardner elaborate more on details about what the company is trying to accomplish. Andrew Gardener, V3, civil engineer for The Stonehenge Company, said his client was interested in ways to reduce runoff on site beyond standard pond, orifice plate, and restricting flow. They began discussions on what they hope will be low impact. He shared that what Council sees currently is a concept thought up before a lot of these discussions. Gardner talked about pervious pavers at the entrance area, not only as a decorative feature but also as a stormwater management feature. Rain gardens are most effective when spread out throughout the site. There are ways they can do this. They recently engaged Environmental Design Group (EDG) who he believes will be their landscape architect to assist. This will also be engaged more at the final development plan stage. Regarding making this as low impact as possible, Gardner discussed grass filter strips and bio retention. They are still having a lot of conversation on design. Other things such as the wetlands have been evaluated. He shared that the Army Corps assessment had been completed. They are now working with the EPA to address the mitigation of the wetlands. Using these stormwater management tactics on the site will help with EPA support on wetlands. Renner reviewed the bird sanctuary downtown and their deployment of pervious pavement in the parking lot. Renner said he is opposed to the old-fashioned storm sewers and piping it off to the creeks. The more we can force it down into the ground, with flowers and natural ambience with long roots, the better.

Councilmember Weaver referenced the first slide. Could Ervin clarify the TIF incentives for 30 years? Ervin said when he discussed with Director Strum,

his ROI model was based on a 30-year horizon. The TIF impact is the \$13 Million over 30 years. Weaver asked if Stonehenge was planning on coming back to seek incentives. Ervin said at this juncture everything they are proposing on site would not be TIF eligible, as it would have to meet a public purpose. The only thing that would be TIF eligible would go with any roadway improvements and waterline. The City has asked the company to connect a distribution line. Mayor Jadwin clarified that she knew inquiries have been made by the developer on possible incentives. She said, however, there is a lot of information we do not yet know. There are a lot of discussions that would need to happen.

Ervin responded to McGregor's earlier remarks and concluded by stating the company is a big proponent of recreational areas, exercise areas, areas for pets, and using sustainable stormwater techniques. He said there are places within this site where people could assemble and use as public space. They are going to incorporate this as much as possible. They do not have much turnover with their residents, even when rent is raised. Ervin said the reason for this is that they consider the extreme value for the price they pay and that they really like living in their communities. He said the company does not build to flip. A related company manages them that is controlled by the same folks that control Stonehenge. These are good neighbors to have, as opposed to the people with the PO Box in Boca Rotan, Florida that you cannot reach.

Bowers thanked all of the residents on their engagement and willingness to dialogue with the developer so they can potentially deliver a product that serves well all of the community interests.

[ORD-0061-2022](#)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GAHANNA, ENACTING CHAPTERS 790, 791 AND 792 TO CREATE A FAIR HOUSING BOARD, TO ESTABLISH HOUSING NONDISCRIMINATION LAWS, AND TO CODIFY AN AFFIRMATIVE DEFENSE TO EVICTION COMMONLY REFERRED TO AS PAY TO STAY

Bowers noted this is the legislation she had been talking about all year and is excited to bring it forward. She expressed her thanks to collaborators who worked on the legislation, including Assistant City Attorney Matt Roth who had been really helpful, as well as the administration in sitting down and reviewing it at a couple different points. The legislation brings forward foundational pieces to address regional housing needs. She believes that it is going to empower our community to proactively solve problems before they become crises. Non-discrimination is needed as a forward-thinking measure to position the City to address equity in housing. Bowers stressed the City can be part of the scaling up efforts to address the regional housing challenges and lower the burden for our neighbors on fixed incomes or at lower income levels. Nondiscrimination provisions remove moral judgments on where one's income is coming from while protecting a property owner's investment and smart business practices. Bowers presented on the background of Fair Housing laws on February 28, 2022, with a follow-up presentation given on



April 25, 2022. Since then, she said the draft legislation has been worked on and put together for tonight's review as Exhibit A.

Bowers reviewed the three proposed chapters for new Code. Chapter 790 establishes a Fair Housing Board. This board would be instrumental in the enforcement of the legislation. Bowers thanked Mr. VanMeter for putting together a flowchart on how a complaint would be fielded and what would happen through the complaint process. The board would be a three-member volunteer board comprised of two Council appointees and one appointee by the Mayor, with an effort made to create a board that is geographically representative of the city's wards. The Clerk of Council, or the Clerk's designee, would serve as the custodian of records for the board and charged with taking minutes and providing notices as required in the Ordinance. This board would meet at least once per year to review rules of procedure and receive training on Fair Housing matters. Bowers noted that this section clarified there would be no filing fee for a complaint. She said we would not want to burden potential complainants who were coming forward. Chapter 791 is the bulk of the housing nondiscrimination proposal. With this, she said we have identified the importance of promoting the strengthening of neighborhoods and protecting the residents from unfair discrimination that includes source of income (SOI) protection. She said we are also addressing needs that have been promoted by some of the regional think tanks and partners. Referencing the MORPC Regional Housing Strategy Report, Bowers said this was supportive of SOI as a recommended non-discrimination policy and recommended a regional approach. With this Ordinance, Gahanna would join regional neighbors in including the SOI provision, which is part of helping to stabilize housing throughout the community. As other organizations are adding protections and rental support for residents who may have gaps, we need to make sure their housing is stable in the process. In the community survey from the Regional Housing Strategy, when asked about housing improvements to better meet the needs of the people they serve, housing providers ranked these top three needs: more housing at lower price points, better quality of available housing, and more housing for the aging population and/or people with disabilities. She said that SOI nondiscrimination will help address all three areas, ensuring all forms of income and not just employment income, and all forms of legal and verified and substantiated income would qualify a resident for ensuring that they could qualify for that unit. The legislation makes sure a landlord has protection. A landlord is not required to accept a tenant who does not have verified or substantiated income or that income would be insufficient to meet the cost of their unit. The landlord retains the right to refuse a lease to a person if the person seeking housing intends to occupy with a larger number than could be accommodated under occupancy standards. Additionally, the legislation incorporates Ohio Revised Code exemptions for religious-based housing, or housing where it is predominantly owner-occupied, like subletting room within a home with shared common areas. Housing non-discrimination would not apply in these limited circumstances. Public awareness and promotion of the Fair Housing goals is also codified in the chapter. Landlords or property owners who are renting or selling at least 10 units or more in a

calendar year would be promoting Fair Housing by showing equal opportunity logotype or having an equal opportunity statement on their applications. Most companies in and around Central Ohio are already doing this under HUD and Fair Housing standards. Bowers stated the proposed Code also goes into enforcement provisions in the chapter. Something that came up through discussions on this was the need to balance enforcement with the Ohio Civil Rights Commission (OCRC) and with local. The goal is if it can go to OCRC, it would go there and not stay local. In discussions with the director of public affairs for OCRC, Bowers said this was the preferred method, and that is what we are seeing in regional nondiscrimination policies in neighboring communities as well. Chapter 792 is a corollary to SOI nondiscrimination, referred to as "Pay to Stay." This codifies a right under common law or in case law that a tenant could assert as an affirmative defense they had the ability to pay, and they tried to pay the landlord, but the landlord would not accept their payment. So, the tenant would say that they should not be evicted. This affirmative defense already exists under common law. One of the recommendations from housing experts in the region is to include Pay to Stay as a corollary to SOI. She said one example of this that came up last year was when a resident received impact housing funds but were late on their rent. The landlord did not want to accept the rental assistance. The landlord said, "Sorry, it is our policy to not accept late rent. We are evicting you." There was no real remedy because the community did not have Pay to Stay codified. This goes hand-in-hand with Pay to Stay. Bowers took a look at Columbus, Reynoldsburg, Dayton, Maple Heights, Cleveland, Cincinnati, and Toledo. A lot of these ordinances included pre-filing remedies and post-filing remedies. The tenant had the right to tender the rent both before the landlord filed the complaint for eviction and after the landlord filed the complaint of eviction. That is not different from what already exists as an affirmative defense. One of the communities, Maple Heights, took this a step further. Even if the judgment had been rendered to grant the eviction, as long as the writ of restitution or set out had not occurred, then there is still a right to tender. This was an outlier, and Bowers did not include this in the legislation as proposed. She said the thing to note is the City wants to make sure the landlord gets paid and is made whole. The Ordinance does include provisions that the tenant would have to tender not just the past due rent but also late fees and costs. The longer it goes unpaid, the higher the cost to the tenant. It discourages tenants to do this. There is no incentive for the tenant to fall behind and catch up repeatedly because the tenant would have additional expenses arising out of this. These measures are safety valves to help curb eviction rates. She stated that Franklin County was noted in 2018 to have the highest eviction rate. One thing the City can do to help lower that is to pass Pay to Stay legislation. Bowers explained that unstable housing creates school disruption. When there is disruption, there is direct correlation between schooling interruption and lower success outcomes. It also prevents skilled workforce participation and delays entry into the workforce. Bowers opened for questions from Council colleagues.

President Renner thanked administration, a lot of staff, Councilmember Bowers, and recognized this had been a long, collaborative effort to

understand all the details. Renner said Bowers had touched on a lot of problems facing Franklin County. He said the Mayor has been talking about the need for more housing. This need is going to increase, and in fact, the Council is feeling that pressure. At a high-level, getting something like this codified into law is important. One thing Renner likes about this legislation is that it relates to one of the reasons he ran to serve at the local level. It is one of most powerful positions because as an elected official he is directly accountable to the people. This codifies a way to empower people at the local level where nothing exists. He said he had heard people state that there might be something with HUD [as a remedy]. This, however, puts the power at the local level if there is a legitimate complaint. Renner stated that he enjoyed the fact that Bowers had taken into consideration the other side with landlord rights. They are listed. We know what the responsibilities are. Renner said Bowers gave a great summary on more in-depth views of landlords and what they can do. This is a win-win piece of legislation. He said there was no real downside to it because it empowers people at the local level. There is no way to predict stresses coming with housing. This protects property owners and landlords. Renner asked if Bowers could, from a high-level, talk more about what else a landlord or property owner could do with a problem where a tenant failed to meet a contract and the tenant is not providing rent. What if the tenant is causing problems? Are there things in [the proposed legislation] that a landlord could come and say they have a problem? Bowers said nothing would restrict a landlord's right or ability to evict for reasons other than for the non-payment of rent. The landlord retains rights to evict for other violations of the lease. Further, they are in a position of power because they have drafted the contract. The contract is for a fixed period of time. Nothing would require the contract to be extended. There is a definite end-date for a tenant. Bowers referenced the complaint process flowchart based on the draft of the Ordinance. This explains how the process works in the legislation's current form. She walked through the flowchart that is attached to the legislation. To Renner's point about local control, Bowers noted that in the mediation process, the City's ability to create a customized solution is what is baked into the proposal. The hope is that conciliation is reached. However, there are provisions that would be in effect if conciliation is not reached. She noted if the discrimination was an SOI issue and conciliation had not been reached, then this would be referred to the Fair Housing Board. Chapter 790 then details how the process is governed from there with notices and a hearing set.

Councilmember Schnetzer expressed his thanks to Bowers and everyone else who put in the time crafting this and for the summary. He said he needed to take minute to digest all of it. He asked if Bowers could give an example of a case that would go to OCRC versus a local case. Bowers said OCRC has a partnership agreement with HUD. Through this agreement, the OCRC enforces all federally protected classes (race, national origin, gender, sex) referred to OCRC. She noted that currently this also includes sexual orientation and gender identity because of the *Bostock* decision and Title VII guidance recently issued. The vast majority of any type of discrimination that could occur would be through OCRC. This also includes discrimination for

disability and age. If the complaint came in, though, that a landlord did not accept someone because they did not accept child support or veterans benefits as substantiated and verified income that would qualify the person to rent an apartment, this would stay with local enforcement. This is because the state does not recognize SOI as a protected class. This would be the sole issue that would stay at the local level. The right to cure or "Pay to Stay" has no enforcement for the City. It codifies an affirmative defense that would empower the defendant to use in defense if facing an eviction process. Schnetzer said he knew there had been discussion this year about SOI. There appears to be lengthy listing of other items. Are those other items locally defined or is there a state or federal listing that could be incorporated by reference for clean text so that the Council is not finding itself needing to constantly update the legislation? In other words, Schnetzer asked could the legislation refer to a table or something at the federal or state level? Bowers said she had not seen other ordinances that do that. Bowers noted Director Bury had also raised this question. The proposed legislation did take this route with exceptions through referencing Ohio Revised Code. Bowers said the proposal mimics HUD classifications. Schnetzer said it sounds like the law department has given this a good look. He asked whether administration had taken a look to assess the impact of this on City operations. Mayor Jadwin said there had been conversations around it, such as having the assistant city attorney be the designated fair housing officer. There have been conversations on what happens if this would become too burdensome and evaluating whether a staffing position would need to be added. She said that until this would actually be implemented, we would not know what the burden would be. These were the preliminary discussions administration had. Attorney Mularski said right now it is believed there would be so few filings that it was not believed this was going to have much impact. If it were to have more, they would come back to Council to fund a position. Mularski said he believed it was Bowers' research that led to this belief. Bowers said this was correct. In polling other municipalities on what their enforcement burden has looked like in terms of what potential financial impacts this might have, no other community has noted any significant impact from legislation like this.

Bowers said her expectation would that this would come back to Committee for further discussion after first reading. She said she knew Mularski had wanted to review more, which may or may not result in some modifications or amendments. Bowers said there would be another opportunity to come back and have a conversation on this.

Councilmember McGregor said she had a lot of questions but has not had time to digest all of the proposed legislation.

Councilmember Weaver echoed Renner's comments and expressed thanks for the months of work Bowers put into looking at this. He also thanked the administration and clerk. He said he viewed this as a win-win for tenants and landlords. He reiterated his thanks for Bowers' efforts.

Councilmember McGregor said her question was with SOI. She objects to

this in the sense that what other businesses set as parameters for how you pay. If you go to the grocery store, the store can take WIC or not take WIC. They can take cash or not take cash. They can take credit card or not take credit card. A lot of times landlords have one or two residents or properties. It is a small business. McGregor said she had a problem with Council dictating how landlords can receive the income. She said this does not seem fair to put that burden on them. If they want to, that is fine, and many do, but she said she did not see why they should not be allowed to choose how they accept rent. What other businesses are required by law on how payment is received? Bowers said she appreciated the comments and would think about that. McGregor said she was not expecting an answer tonight. Having family members who have rentals, she wonders why they would be burdened with this requirement. Mularski said he would look at this again, but he did not think this says how they have to accept rent, just how they count how much money is coming into the household. He believed this is what the distinction is. They can still limit how they accept the rent. It is just saying, for instance, you make \$50,000 and they could be saying you really make \$70,000 a year because you are not counting A, B, and C. Bowers agreed that they could choose whether they could take a credit card, whether they take cash, etc. It is the qualification aspect that matters. Bowers added we would want landlords to count those sources of income when you are qualifying them to meet the terms of the lease. This is an important distinction.

Councilmember Padova said she agreed that this was not how landlords were accepting it, but that they have the money to pay for it and the qualifying of it. McGregor said they still must accept the way they pay it from the source it comes from. Whether it is paperwork they want involved in this and they do not want to do it for whatever reason, why do they have to? Bowers said McGregor brings up a good point and it is one of the concerns is that there is misinformation that is very pervasive. For example, there is a notion that accepting housing choice vouchers is going to create a burden on a landlord. Bowers said she checked with CMHA on what their turnaround times were and how quickly they needed to qualify the unit and how quickly are landlords getting those payments. Bowers said that CMHA verified to her that they are on track with making sure they are getting the work turned around and that it is a minimal burden to the landlord. She thinks that part of this is demystifying what housing vouchers look like and how they impact the landlord. Bowers appreciated McGregor's comments.

Renner asked, with communities in the outer belt or in Franklin County or in Central Ohio, how many communities have this type of legislation? Bowers said virtually everyone has housing nondiscrimination, not necessarily including source of income. She said the cities of Worthington, Bexley, Reynoldsburg, Columbus, Westerville, and Whitehall had incorporated SOI. Pay to Stay is working its way to Reynoldsburg, Columbus, and a number of other suburbs. Bowers said at this point, Gahanna is not on the leading edge of this. We are just part of the fabric of the region. She said the business community knows this is the practice in Central Ohio. We are helping standardize the business practices at this point. Renner said in other words,

we are modernizing across the county and region. He said the other comment he had is that there are a lot of benevolent landlords in Gahanna. This will help them as well with providing structure so that they know the ins and outs and can actually help tenants even more.

McGregor said with the no fee to apply, she feels there should be some fee for filing a complaint. If the complaint is justified, you could always give the fee back. She supported having some fee to have skin in the game to start it. She reiterated if it is a legitimate complaint, they can get the fee back. She compared this to the sidewalk program appeals.

Councilmember Angelou said she worked with people with disabilities, and she did not know how she was going to be able to do this, as they were not going to be paying most of the rent. She said throughout apartments in Franklin County, they were wonderful. They said they do not take Section 8. Angelou would explain this is not Section 8. She could pay them, and they would always get their money. Angelou said if you could make people understand to do this a week before, you would never be kicked out because you are always going to have paid your money. She said it was an amazing thing, as people with disabilities have difficult times. The community here has worked with people with disabilities for a very long time. Bowers thanked Angelou for her comments. She said unfortunately she thinks Gahanna is on trend with not accepting housing choice vouchers with the rest of the region. In some informal polling done by AHACO, the "secret shopper" style of surveying, it is revealing that about 50 percent of apartment complexes are not accepting housing choice vouchers. This is inclusive of what is going on here, too, unfortunately. She added that this is not consistent with the values and that we have to make sure that people are included as long as they make their rent.

Mularski said he was trying to rehash in his mind what McGregor was saying. He said he believed what she was saying was since the City would be saying that they must consider the governmental subsidies, such as housing vouchers, they would then be required to accept those housing vouchers as well. This is what McGregor found to not be fair about the proposal. The only thing Mularski could equate this to would be food stamps. He said stores are required to accept food stamps. That would be like the housing vouchers saying yes, you do have to accept those. That is the one area he could think of with requiring others to accept governmental subsidies. He thought there may be others, but this was all he could think of at the moment.

Mayor Jadwin said initially, possibly the first quarter of the year, we had reached out to the Columbus realtors. They were very much in support of the Fair Housing legislation being proposed. However, they expressed at the time with regard to SOI around the fact that HUD vouchers, such as what could be required to be accepted here, could result. Because it is a voluntary program, there are inspections that are associated with that. They had expressed concern that what they had found is when a landlord is required to accept that it leads to delays of weeks if not months at times because of the scheduling

of inspections. Jadwin was curious as to whether or not that position has changed given what Bowers had shared of some other municipalities having already adopted this. She had not heard from Columbus realtors since then. Had Bowers heard anything further since the earlier discussion? Bowers said the only thing she is aware of is in speaking with CMHA about the inspection process, they did say they their inspection process is on time and that they are very sensitive to this fact. She said she did not have her notes on this in front of her but could circulate them. She added that she spoke with attorneys with the Legal Aid Society, specifically ones working in the housing sector. She said they indicated that CMHA recently outsourced inspection work for housing choice vouchers. It seems to be going better now that there is sufficient staffing. As Jadwin referenced, with other communities having adopted SOI nondiscrimination legislation, Bowers did not believe the Columbus realtors were giving much resistance at this point. CMHA is allocating more resources to make sure that those inspections are moving forward so as to not prejudice the landlords.

**Recommendation: Introduction/First Reading on Regular Agenda 10.3.2022, Return to Committee for further discussion on 10.10.2022 and Second Reading/Adoption on Regular Agenda 10.17.2022.**

**D. ITEMS FROM THE DEPARTMENT OF ADMINISTRATIVE SERVICES:**

[2022-0284](#)

Unclassified Employee Compensation Phase II COTW Presentation 9.26.2022

Miranda Vollmer, Director of Administrative Services, introduced Corey Wybensinger, Finance Manager. Wybensinger assisted Melissa Jackson, HR Manager, Director Bury and Vollmer on the financial aspect of the two ordinances. The first is an amendment to the salary ordinance and the second is an amendment to the pay plan. Vollmer covered the history of compensation. In Phase I of the compensation program, Clemans Nelson & Associates was engaged in 2021 as a consultant. As a result, Phase I was included in the 2021 Budget. The City did collective bargaining driven adjustments. The next part of the program is Phase II. This would include implementation of a step-wage scale that also includes a step plan alignment and market driven wage adjustments. A step plan would be added to the current compensation. It is a step start through five, for a total of six steps between the minimum and the midpoint of each pay grade. With the market wage adjustments, this action would complete the pay rate adjustments based on years of service in an employee's current position. With Phase II and the step plan alignment, this would move employees not affected by the market wage adjustments into a step closest to their current pay without reducing pay. Phase II actions require amendment to the salary ordinance to add those steps and to adjust to market rates. Administration is requesting and emergency declaration to begin implementation with the last five pays of the year. Employees would see an adjustment on the first pay in November. Modifications are proposed to the salary ordinance, different pay grades, and as a result of departmental realignments and deletions of positions no longer being used. To implement the step plan, the pay administration policy needs amended. These revisions include how the step wage scale would be

implemented. With someone in step one, on their anniversary date they would go to step two unless some financial hardship exists for the City. Once an employee reaches step five, they would receive the annual budgeted increase from Council's approval for that year. The third action for implementation is using existing salary savings to do the market adjustments and step plan alignment. Vollmer said we are seeing a nine percent or \$2.7 Million in savings due to vacancies and positions that have been hard to fill this year. The administration would use \$28,000 for the last five pays of 2022 or \$32,500 with estimated benefits. No action is needed for transfers into various accounts, as it is under the \$3,000 threshold that the Director of Finance is authorized to approve under the appropriation ordinance. Vollmer added that for step four, to complete the compensation program, the City would advance employees in their step plan on the anniversary for 2023. Unclassified employees would no longer receive an increase in January each year. They would receive an increase on their anniversary date (date hired or date promoted). As ongoing maintenance, the compensation system would need to be reviewed every three to five years to provide for market adjustments. A study would ensure rates are adequate with market.

Councilmember Weaver confirmed with Vollmer that this is prospective looking, nothing about the plan is retroactive.

[ORD-0059-2022](#) AN ORDINANCE TO AMEND ORD-0089-2021 AN ORDINANCE ESTABLISHING THE SALARIES FOR PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 2022, THROUGH DECEMBER 31, 2022, AND DECLARING AN EMERGENCY

**Recommendation: Second Reading/Adoption as Emergency on Regular Agenda on 10.3.2022.**

[ORD-0060-2022](#) AN ORDINANCE TO AMEND ORD-0091-2021 AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN AND ADOPT THE PAY ADMINISTRATION POLICY, EFFECTIVE JANUARY 1, 2022, AND DECLARING AN EMERGENCY

**Recommendation: Second Reading/Adoption as Emergency on Regular Agenda on 10.3.2022.**

**E. ADJOURNMENT:**

*With no further business before the Committee of the Whole, the Chair adjourned the meeting at 9:36 p.m.*

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Jeremy A. VanMeter  
Clerk of Council



*APPROVED by the Committee of the Whole, this  
day of 2022.*

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Merisa K. Bowers