



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Committee of the Whole

Stephen A. Renner, Vice President, Chair

Brian Metzbower, President

Jamie Leeseberg

Karen J. Angelou

Brian D. Larick

Nancy R. McGregor

Michael Schnetzer

Krystal Gonchar, Deputy Clerk of Council

Monday, April 22, 2019

7:00 PM

Council Committee Room

CALL TO ORDER

Chair Renner called the meeting to order at 7:00 p.m.; stated that the order of the agenda would be changed to allow for the item from the Board of Zoning & Building Appeals to follow the presentation from the GAAC.

- Present** 6 - Brian Metzbower, Nancy R. McGregor, Karen J. Angelou, Stephen A. Renner, Jamie Leeseberg, and Brian D. Larick
- Absent** 1 - Michael Schnetzer

- Update from the Gahanna Area Arts Council

Chris Peck and Kevin Dengel, from the Gahanna Area Arts Council, provided an update on the 2018 year; discussed ways that the arts impact the community; reviewed ways the arts can be impactful to the economic development of Gahanna; provided the attached documents for review; requested that at least 2 members of Council volunteer to meet in order to further discuss ideas. Renner and Metzbower agreed to meet with them. Angelou and McGregor provided examples and shared personal experiences of how the arts have impacted the city.

[2019-0061](#)

Update from the Gahanna Area Arts Council for the Committee of the Whole Meeting on April 22, 2019.

ITEM FROM THE BOARD OF ZONING & BUILDING APPEALS

[ORD-0036-2019](#)

TO AMEND PART ONE-ADMINISTRATIVE CODE, TITLE FIVE-ADMINISTRATIVE, CHAPTER 147- BOARD OF ZONING AND BUILDING APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Chair of BZBA, Lorne Eisen, stated that he is present to answer questions from the last COTW Meeting, regarding these changes; for the first item: removing "deputy clerk" from performing the duties, this was to ensure that we are opening up the process to whomever is completing the duties; the intent was to have the "Office of the Clerk of Council" perhaps, or "designee." Ewald said he agrees with the change based on the position being currently open; need to consider that. Metzbower asked why it was struck. Ewald said they were consolidating the language. Eisen said he is trying to keep it open and simple. Larick asked if the designee would be appointed by the clerk. Ewald confirmed.

Eisen continued: under section C., the intent was not to limit freedoms of speech, it was more of an attempt to keep focused; in the past few years, there were people speaking at the appeal, who were not directly impacted; perhaps the language should be changed to "adjacent to or directly impacted by." Leeseberg said he understands the intent but would like this more narrowly defined; is fine with language as is, just better define the "causal relationship." Ewald said it is defined in case law; it means "to become a part of the case"; not referring to the option of speaking as an opponent or proponent at a public hearing; an example is traffic patterns in a neighborhood is directly impactful to your neighborhood, but does not affect neighborhoods across town. Metzbower asked if there is a legal definition. Ewald said there must be an approximate relationship.

McGregor said she does not understand why if someone doesn't like the development, why can't they speak. Ewald said they can speak, but they can't be a party to the case. Ewald said the public hearing at Planning Commission would allow residents the opportunity to speak; said this is a quasi-judicial process.

Larick said if there's a member of the community, this is removing the ability for them to speak. Leeseberg said the member of the community would voice those concerns at a public hearing. Ewald explained the process for appeals going to common pleas court; you have to meet certain criteria in order to be heard there.

Renner said it would be helpful to understand what goes to BZBA. Ewald said applications that go before Planning Commission or permits that would be issued by the city that are being appealed because they were denied; cited example of a fence; if a resident were putting up a fence, and you lived 1,000 ft. down the road, you would not be impacted by the fence, but if you lived next door then you would be impacted. Renner confirmed that there must be a finding of fact.

McGregor said if there's a neighborhood that has no fences, and one person wants a fence put up, one could argue that it impacts the entire neighborhood. Larick said to think about cell towers, or water towers, and other much larger structures; asked if that would not be directly impactful. Ewald said people are not being prevented from providing input, they just aren't being considered as a party of the case; those people can still be called on as witnesses; in the rules, there is a public notice sent to opponents who spoke at the Planning Commission public hearings. Larick asked what the driver was. Ewald said there were interested party filings from people who were not actually interested parties and allowing them to be a party would give them more legal authority at later steps in the process, such as the courts.

Larick asked Eisen about the fee structure. Eisen said we can move those fees to the Master Fee Schedule, and in this section, simply cite where the fees are located. Metzbower asked if this has been reviewed by outside counsel. Ewald said this would go out for review after changes were decided on.

McGregor asked if there's a way to differentiate between internal/external residential projects; and how would we make those changes. Ewald said that would be a code change.

Eisen said the intent behind the changes to the disposition of the appeal was for clarity; wanted to make a motion in the positive. Larick asked if there is any issue with changing this from affirm, reverse. Ewald said no, that code was inconsistent with procedure; would now find in favor of appellant or appellee; this was difficult to understand and we had to explain the decision to the room after the motion was made. Eisen said for the point under "d", something could have been missed in Planning Commission and could have been better clarified before coming to BZBA, and that will remain.

Angelou asked if an appeal is not found in favor of the appellant, if it could then go to court. Ewald confirmed; reiterated that a negative on a positive motion is confusing; stated there was an upcoming appeal, and it would be too rushed to get any changes approved prior to that, but the amended rules from January do not go to Council for approval and so those rules will apply at the next appeal.

RECOMMENDATION: Regular Agenda.

ITEMS FROM THE DIRECTOR OF PUBLIC SERVICE & ENGINEERING**[ORD-0037-2019](#)** SUPPLEMENTAL APPROPRIATION- Sale of assets.

Priestas stated that the request for a supplemental was for the sale of assets and this is a routine request.

RECOMMENDATION: Consent Agenda.

[ORD-0038-2019](#) SUPPLEMENTAL APPROPRIATION- Insurance Claim Proceeds.

Priestas stated that the request for a supplemental was for the insurance claims and this is a routine request.

RECOMMENDATION: Consent Agenda.

[ORD-0039-2019](#) SUPPLEMENTAL APPROPRIATION- Water Meter Proceeds.

Priestas stated that the request for a supplemental was for the money received from water meter fees, and this is a routine request.

RECOMMENDATION: Consent Agenda.

ITEMS FROM THE DIRECTOR OF FINANCE**[ORD-0040-2019](#)** SUPPLEMENTAL APPROPRIATION- TIF Funds; Johnstown Road & North Triangle.

Bury stated that a supplemental is required because we do not budget for County Auditor and Treasurer fees until TIFs begin to produce; when more money is received, then fees increase; referred to the table on her report.

RECOMMENDATION: Consent Agenda.

[ORD-0041-2019](#) TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH REDTREE INVESTMENT ADVISORS FOR INVESTMENT ADVISOR SERVICES.

Bury stated that our current investment advisor is merging with RedTree Investment Group so a new contract needs to be signed; we won't see a disruption in services; stated that the fees will be the same. John Lewis and Ryan Nelson, representatives from the firm, were present to answer any questions. Angelou asked how long the contract terms were. The representatives stated that the contract would continue until the city withdrew; the terms would stay the same; the city would see no changes.

RECOMMENDATION: Consent Agenda.

- Update from the Director of Public Safety (for informational purposes)

[2019-0060](#)

Department of Public Safety, March 2019 report.

ADJOURNMENT

Chair adjourned the meeting at 8:03 p.m.