



City of Gahanna

Meeting Minutes

Committee of the Whole

200 South Hamilton Road
Gahanna, Ohio 43230

Trenton I. Weaver, Chair
Merisa K. Bowers
Jamille Jones
Nancy R. McGregor
Kaylee Padova
Stephen A. Renner
Michael Schnetzer

Jeremy A. VanMeter, Clerk of Council

Monday, March 25, 2024

7:00 PM

City Hall, Council Chambers

A. CALL TO ORDER:

Vice President of Council Trenton I. Weaver, Chair, called the meeting to order at 7:07 p.m. The agenda was published on March 22, 2024. All members were present for the meeting. There were no additions or corrections to the agenda.

B. ITEMS FROM THE SENIOR DIRECTOR OF OPERATIONS:

[ORD-0023-2024](#)

AN ORDINANCE TO AMEND ORD-0009-2023 AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH ELFORD, INC. FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO THE RENOVATION AND EXPANSION OF 825 TECH CENTER DRIVE TO INCLUDE SERVICES IN CONSTRUCTION CONTRACT 1; WAIVING SECOND READING, AND DECLARING AN EMERGENCY

Senior Director of Operations, Kevin Schultz, presented the construction contract for 825 Tech Center Drive. Presentation attached. In January, Council approved an ordinance for permission to bid the entire project, as well as permission to bond the project. This contract is the first of two that will come before Council. Elford has bid Guaranteed Maximum Price (GMP) contract one. This request is for an amendment to their original contract signed in January 2023. The bid package was for 16 different disciplines over the entire course of the project. There were 50 bids received for the project. The city, Elford, and MSA did bid review on each of the 16 different disciplines. They are making a recommendation to enter an amended contract with Elford in the amount of \$20,327,613, which represents about 30% of the total project, which also includes the building. If it was just the construction cost, it is about 35% of the overall construction cost of the project. In total, they have realized about \$365,000 in budget savings

against the original budget that was presented in January. At that time, there was conversation about DE&I initiatives and goals that could be set in this contract. Previously, they were seeing 12 to 15%, but they are seeing 15 to 20% on projects coming to fruition. On one third of the contract, they are seeing 14.36% of the contract total being awarded to DE&I compliant workers. About 69% of this GMP1 is being awarded to Union workers. There are a couple of to-be-determined items remaining. Schultz showed the construction contract 1 cost breakdown. Under the Union subcontractor column, the two N/A are for equipment purchases only: to buy the generator and the electrical switching gear for the building. The bond issuance number one to go to the actual funding was sold last Wednesday, which then allocates the \$20,327,613 to this project. Those bonds close on April 10th. Then they would have encumbered the proceeds from that bond issuance. Administration is respectfully requesting an ordinance authorizing the mayor to enter into an amended agreement with Elford Construction listed as GMP number one. The administration is also requesting waiver and emergency to lock in the pricing and to issue the notice to proceed on or around April 11th after those funds become available. The dollars associated with this request were appropriated in Ordinance 0005-2024.

President Bowers noted that a couple of the items may specifically be for the police department and asked if they could speak to the police department being a priority of this project. Schultz said if she is referring to the firing range equipment and then the part of the basement where the firing range would go. Elford and MSA have gone out for design assist services with firing range companies. They reviewed three different companies that specialize only in the construction and installation of the firing range itself. That is the number under firing range equipment at \$1.52 million. Those companies do the full and complete design of the square box. Elford and MSA design the square box. Then the firing range people come in and put the finishing touches on the box. The same company, Range Systems, that was contracted in Westerville was contracted for this project. They have air handling specialists on their team along with any of the specializations that are necessary for the range to function as a tactical range, as opposed to just an "old school" range where you see the lanes and the targets down and the target comes to you. This range is fully open and then the officer has the ability to engage, and they move in proximity to the targets, as opposed to the targets coming back in proximity to them. This makes the range versatile. The range also functions as the storm shelter; therefore, it also must have certain qualities as well. There has been a lot of conversation in the last few weeks about the basement specifically for the storm shelter

components and secondary ingress and egress out and how do we clean the range. There have been some minor modifications to the range itself. The total dollars shown are for the full installation of the range equipment inside of that basement structure. President Bowers asked if the elevator and earthwork include the earthwork that is necessary to build out this public safety facility. Schultz said yes. President Bowers asked if these specialty elevators are for moving detainees through the police department. Schultz said the holding facilities are on the first floor so the detainee would have no need to traverse in the elevator. The elevator itself is secured. If a member of the public were to get into the first floor Police Department without a badge, they can't access any other floor. This is for the new elevator on the police side. There are no changes to the elevators in the existing building.

Vice President Weaver asked Schultz to speak on the percentage of the Union labor and how that was calculated. Was it by dollar amount, number of employees, number of different contracts that are awarded? Schultz said that the 69% that he spoke about is just a simple percentage of contracts being awarded using Union labor shops. Mr. Quinn, Elford, said they did not calculate it by dollar or by manpower. In looking at that, they are consistent with the 60 plus percent in Union participation by dollar value. Manpower-wise it would be tough to quantify that until they really get into the construction. They mostly used Union contractors. That was mostly the low bid. Once they bid leveled, they were the bidder that was selected because they had the scope covered. Once they leveled out with the other bidder, they were competitive. There was not a whole lot of opportunity to gain more Union labor. Weaver asked if the projection of 69% is consistent with other projects they have worked on for entities or clients that have been seeking that. Quinn said yes, they work with Franklin County and City of Columbus a lot. They require Union participation in certain areas. The City of Columbus often engages in a community benefits agreement on their projects. It pretty much makes the entire project Union. They have seen some challenges with that in other regards. There is a little bit of a conflict between that and diversity participation. There is not a lot of diverse Union contractors around. It is a little bit of a dichotomy when you are trying to go all Union and get diversity.

Recommendation: Introduction/First Reading on Regular Agenda with Waiver of Second Reading and Emergency Adoption on 4/1/2024.

[ORD-0024-2024](#)

AN ORDINANCE TO AMEND ORD-0060-2023 ADOPTING THE CITY OF GAHANNA 2023-2027 CAPITAL IMPROVEMENT PLAN TO MODIFY THE PROCESS BY WHICH RECOMMENDATIONS ARE

RECEIVED AND INCORPORATED BY THE ADMINISTRATION INTO THE ANNUAL PLAN PRESENTED TO COUNCIL; WAIVING SECOND READING, AND DECLARING AN EMERGENCY

Director Schultz said ORD-0024-2024 is an amendment to the Capital Improvement Plan (CIP). On August 21, 2023, Council adopted the first-ever CIP for 2023 to 2027 for the City of Gahanna. The plan established the CIP advisory committee. That committee was intended to serve to gather information and assist and inform the administration on priorities and projects. The City Attorney brought to their attention that they established a public body and therefore that public body was required to send notice and then have meeting minutes and have a meeting publicized. One of the challenges with that was that the mayor, himself, senior director of administrative services, and the finance director sit on that committee and then three council members. Four people make a quorum. How can the internal staff have a meeting without it being noticed and such and have conversations that are necessary to bring forth amendments to the CIP to Council? The City Attorney determined that if the CIP advisory committee is making recommendations to the administration and not to city council, they could still meet internally and have their conversations and then ultimately amend the plan. He believes the intent is 100% the same. Schultz quoted from the plan, the first paragraph of section two "as this plan matures policies should be reviewed and adjusted that streamline the way the plan is managed and how projects are incorporated in the plan." He said that is what they are doing tonight. A redline version of Section 2.0 and one part of section three has been adjusted. They have changed it from making recommendations to city council to making recommendations to the administration. Nothing else changes. They will still make regular reports to this council if they need to make supplemental requests or add projects. Administration is respectfully requesting an ordinance to adopt the 2023 to 2027 Gahanna Capital Improvement Plan as amended. They are requesting waiver and emergency so the CIP advisory committee can meet.

Recommendation: Introduction/First Reading on Regular Agenda with Waiver of Second Reading and Emergency Adoption on 4/1/2024.

[RES-0013-2024](#)

A RESOLUTION TO ADOPT THE 2024-2038 SOLID WASTE MANAGEMENT PLAN FOR THE SOLID WASTE AUTHORITY OF CENTRAL OHIO

Director Schultz said ORD-0024-2024 is an amendment to the Capital Improvement Plan (CIP). On August 21, 2023, Council adopted the first-ever CIP for 2023 to 2027 for the City of Gahanna. The plan established the CIP advisory committee. That committee was intended to serve to gather information and assist and inform the administration on priorities and projects. The City Attorney brought to their attention

that they established a public body and therefore that public body was required to send notice and then have meeting minutes and have a meeting publicized. One of the challenges with that was that the mayor, himself, senior director of administrative services, and the finance director sit on that committee and then three council members. Four people make a quorum. How can the internal staff have a meeting without it being noticed and such and have conversations that are necessary to bring forth amendments to the CIP to Council? The City Attorney determined that if the CIP advisory committee is making recommendations to the administration and not to city council, they could still meet internally and have their conversations and then ultimately amend the plan. He believes the intent is 100% the same. Schultz quoted from the plan, the first paragraph of section two "as this plan matures policies should be reviewed and adjusted that streamline the way the plan is managed and how projects are incorporated in the plan." He said that is what they are doing tonight. A redline version of Section 2.0 and one part of section three has been adjusted. They have changed it from making recommendations to city council to making recommendations to the administration. Nothing else changes. They will still make regular reports to this council if they need to make supplemental requests or add projects. Administration is respectfully requesting an ordinance to adopt the 2023 to 2027 Gahanna Capital Improvement Plan as amended. They are requesting waiver and emergency so the CIP advisory committee can meet.

Director Schultz said they are requesting a resolution adopting the Solid Waste Authority of Central Ohio (SWACO) updated 2024 Solid Waste Management Plan. The City of Gahanna partners with SWACO on projects related to Solid Waste Management, the reduction and education thereof. To continue this partnership, the city must adopt the SWACO 2024 to 2038 Solid Waste Management Plan. In adopting this plan, the city will have access to their number of programs that they offer, which include waste reduction grants. The biggest offering is the trash and recycling bidding consortium. The city is part of a consortium throughout Franklin County that creates an economy of scale. That contract then runs through SWACO, and the city can bid and award based on that economy of scale. They offer hazardous waste disposal events. The city will be hosting an event, he believes, at the end of June for hazardous disposal for residents. The city also has a shred event for paper and electronic recycling. Administration respectfully requests a resolution adopting the 2024 to 2038 Solid Waste Management Plan.

Councilman Renner is 100% in support and asked under whose

authority will the management of the plan be housed, under Schultz, or is it directly to the mayor. Schultz said it depends on the program. The hazardous waste disposal event is run through public service along with the Local Waste contract. The management of the plan itself is largely done by SWACO. The city partners and there are conversations around the plan with a variety of staff, mainly public service. The mayor is involved, Schultz is involved, and Mr. Wybensinger is involved depending on the type of grant. Councilman Renner asked what the timelines are on SWACO grants. Schultz said they all vary for the different types of grants.

Recommendation: Introduction/Adoption on Consent Agenda on 4/1/2024.

C. ITEMS FROM THE DEPARTMENT OF ADMINISTRATIVE SERVICES:

[ORD-0022-2024](#) AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS; WAIVING SECOND READING - General Fund for Finance Contract Services

Senior Director of Administrative Services, Miranda Vollmer, said they have a request for an ordinance for supplemental appropriation in the amount of \$197,255 from the unappropriated unencumbered General Fund balance to the finance contract services. In 2023, the city transitioned property and liability insurance coverage from the Ohio Municipal Joint Self-Insured Pool (OMJSP) to the Central Ohio Risk Management Association (CORMA) pool. That decision was presented and approved by City Council in 2023. On March 13, 2024, the city received a notification that the OMJSP pool is terminating operations effective April 1, 2024. To protect their current and past members from open known and potential unknown claim liabilities, the pool has elected to purchase a reinsurance policy through Great American. That policy effectively transfers its liability losses to Great American Insurance Company. The total cost of the policy is \$2.2 million. The pool's assets were not sufficient to cover 100% of the cost of that premium. Per the pool's participation agreement dealing with the closing of that pool, the city is being assessed \$197,255. This amount was determined by the pool's actuary and voted on by the board members. Staff has asked a variety of questions from the pool and received answers. They have worked with the current pool to get answers and to clarify the amount that the city owes. The bill was received on March 13, 2024, and was due upon receipt. The pool is ceasing activities on March 31, 2024. They are requesting a waiver of the second reading. Vollmer said they did ask if there could be additional assessments and that is to be determined if the pool's current assets are not large enough to cover outstanding claims or any future claims. She could be back before council requesting additional

supplementals as we would likely get assessed as well for those.

Recommendation: Introduction/First Reading on Regular Agenda with Waiver of Second Reading and Adoption on 4/1/2024.

D. ITEMS FROM THE DEPARTMENT OF ENGINEERING:

[RES-0009-2024](#) A RESOLUTION DETERMINING THE NECESSITY TO REPAIR AND/OR REPLACE SIDEWALKS IN THE 2025 SIDEWALK MAINTENANCE PROGRAM AREA FOR THE CITY OF GAHANNA

Engineering Director Tom Komlanc shared they have a resolution identifying the 2025 sidewalk maintenance program area. Through state statute, this otherwise allows the city to go through the assessment process for those that are otherwise within the program. They intend to issue notice to the property owners in the target area for the 2025 program, allotting them the opportunity to opt out and self-perform the work. They can do that work all the way up to the Wednesday before Thanksgiving by pulling a right-of-way permit. That would further extend the opportunity to perform the work through a contractor of their choosing through early spring of next year. It gives them almost a year to self-remedy. For those that are within the program that otherwise do not opt out, they will be a part of the competitive bid process.

Councilwoman McGregor sought clarification on if they opt out, then the city does not pay 50% of their cost. Komlanc said that is correct.

Councilwoman Jones asked if someone is opting out, they can do that by Thanksgiving of this year. Do the repairs still occur next year? Komlanc said if a resident who is served notice that they have got defects and choose to opt out of the program, they can self-perform the work by pulling a right-of-way permit anytime from the date of notice all the way up to pulling the right-of-way permit the Wednesday before Thanksgiving 2024. That will allow the contractor to perform that work anytime this calendar year all the way up to mid-April of 2025.

Recommendation: Introduction/Adoption on Consent Agenda on 4/1/2024.

[RES-0010-2024](#) A RESOLUTION DETERMINING THE NECESSITY TO REPAIR AND/OR REPLACE SIDEWALKS IN THE 2025 SIDEWALK MAINTENANCE LOOKBACK PROGRAM AREA FOR THE CITY OF GAHANNA

Director Komlanc said at the request of council, a request was made of staff to explore a lookback program, looking back to 2021, 2022, and 2023 Street Programs to bring those facilities up to a

maintenance standard. Staff has looked at that and assembled a grouping of streets making a recommendation for that program area following a similar suit to the process just described for the 2025 Street Maintenance efforts. This would be a lookback program that would be in addition to those that are being programmed for Street Maintenance in 2025.

Councilwoman Jones asked if that means those streets have already had maintenance done and they need more. Komlanc said they had street maintenance performed. The sidewalk maintenance was not otherwise covered. ADA ramps may have otherwise been covered but the individual sidewalk panels along a property owner's frontage were not.

Councilwoman Padova asked if these streets were only streets that were rebuilt or also ones with overlay. Komlanc said with overlay. Padova said one of the streets in her neighborhood had an overlay last year, but the sidewalks have not been touched. She does not know where that falls in all of this. Komlanc said that will be a future program. They have allocated a certain set of streets for programming for 2025. They intend to have a similar program for 2026 and 2027 to account for the totality of the 2021, 2022, and 2023 street efforts that occurred in years past.

President Bowers thanked the director for bringing this forward. She thinks it is a great catch-up and something that the city needs to do. Bowers said with the Town Hall that just happened a couple of weeks ago, she is not sure that these residents were made aware that they were in the program area prior to that Town Hall. Komlanc said the Town Hall was for the 2024 efforts. There will be follow-up conversations with those residents moving forward. Bowers asked if there is plenty of lead time to get information out to these neighbors. Komlanc said there is enough time. Bowers said she thinks the community is going to really appreciate this, and these are neighborhoods that were really affected by street trees. It is going to be an impactful fix to a lot of residents.

Councilwoman Padova asked, assuming this is all approved, will these both be combined to just the two of them together, the 2025 program, or will they remain separate. Komlanc said they are evaluating it. Within this past 2024 project, they had a 2022 sidewalk program from the legacy system. In the 2024 Street Maintenance, they had five or six responsive bidders on the sidewalk, only the concrete flat work. So, they are evaluating and want to have that flexibility to get competitive bids. If they are rebuilding a street, it makes the most

sense to have that contractor as they are doing the driveways and setting all the grades to perform that sidewalk-related work with that program.

Councilwoman McGregor said when looking at the list these streets, were all in one area of the city? She asked if they are going section by section. Usually, the sidewalk program has been scattered all over the city and this is primarily in one general area. Komlanc said in selecting the streets it is a matter of trying to get that contractor in one area. Getting the work done and then moving to the next. They anticipate as they move through the balance of the 2021, 2022, and 2023 those streets that had maintenance or reconstruction activities occur they will be hitting those areas in the upcoming 2026 and 2027 lookback programs.

Vice President Weaver said he was happy to see this lookback program.

Recommendation: Introduction/Adoption on Consent Agenda on 4/1/2024.

[RES-0011-2024](#)

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT FOR ACQUISITIONS OF RIGHT-OF-WAY AND CONSTRUCTION EASEMENTS FOR THE WYNNE RIDGE BRIDGE PROJECT

Director Komlanc said the city has partnered with the Ohio Department of Transportation and their bridge replacement program. Wynne Ridge Bridge was identified for replacement. They are at the right-of-way stage through the plan development and the programmatic aspects. Additional right-of-way and temporary construction easements will be required from four parcels to accommodate the construction slated for 2025. There is need for the additional right-of-way and temporary construction easements with the utility relocation and the replacement of the structure. They are going to provide additional width to the structure to accommodate sidewalk ADA pedestrian accommodations should it be warranted in the future. That section does not have sidewalks in that area. It affords for that so that we are not in a position where we have to come back and rebuild the structure or widen it. Temporary construction easements are for the purposes of construction activities and will be restored at the conclusion of the project.

Councilwoman McGregor said the bridge is only about 27 or 28 years old and was it looked into if this is a problem with the person that built it. Was there a failure? Bridges should last longer than that. Komlanc said it goes to the structure type that was otherwise specified for the project. He can get more details on that, but a different structure type is being recommended for the replacement.

Councilman Schnetzer thanked Komlanc for the forward-thinking by adding the width to the bridge regarding sidewalks. He asked if the construction will be done in stages or will those homeowners be completely disconnected by road. Komlanc said the intent is to do part-width construction to provide accommodations so that they can always get through as well as emergency vehicles.

Recommendation: Introduction/Adoption on Consent Agenda on 4/1/2024.

E. ITEMS FROM THE COUNCIL OFFICE:

[RES-0012-2024](#) A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF GAHANNA, OHIO ON COMMUNITY SAFETY, FIREARM EDUCATION, AND THE SAFE STORAGE OF FIREARMS

President Bowers said that Resolution 0012-2024 is a resolution regarding community safety, firearm education, and education on the safe storage of firearms. It is something she has been working on with Be SMART, which is a project associated with Everytown for Gun Safety. This is an issue that does affect our community, does affect Gahanna, not just anecdotally with one-off incidents that have happened, as recently as last week and last year. It is also revealed in the numbers that we have with arrests related to improper handling of firearms. Chief Spence has been working with the school district and has been addressing safe storage action. Bowers shared a safety video from Chief Spence and Dr. Tracey Deagle, GJPS Superintendent.

The video emphasized the importance of ensuring firearms are secured and discuss the impact that lookalike or toy weapons can have in our schools. Gun safety is ultimately the responsibility of every gun owner with safe storage, safe handling, and a safe mindset. Students were reminded that possessing or playing with a lookalike gun can have tragic or unintended consequences. Bringing a lookalike gun onto school property is a crime. Displaying one as if it were real can potentially cause harm to you or others. Parents need to know that the Gahanna Jefferson Board of Education recently passed a resolution to spur conversation about the importance of secure gun storage in order to protect our students. Research shows that securing a firearm in a gun safe or at least with a trigger lock can be associated with an 85% reduction in unintentional injury among children and teens. Parents, please secure your firearm and periodically check your child's bag before they go to school. It takes all of us to keep the children in our community safe.

President Bowers said that summer historically sees an increase in both accidents at home because children are at home more in the summer, and an increase in youth violence because they are unsupervised often in the summer. They wanted to push forward with this resolution prior to summer break so that they could amplify the message of the school district, continuing allocation of resources and energy and highlight this important issue and the safety issues for 825 Tech Center Dr.

Chief Spence said from the standpoint of this video firearms incidents and things around threats of weapons continue to be an issue this school year and toward the end of last school year. Some of these incidents gain media attention or gain the attention of the community, some don't. In looking at some of the statistics, a lot of them are sobering. We have had youth-related suicides in our community over the past couple of years. Those are directly attributable to unsecured firearms in a home. Looking back at some of the numbers since 2021, he thinks they had 76 improper handling of firearms arrests. Those are arrests or warrants issued for improper handling of firearms. There are a lot of positive things going on. They have worked with Be SMART. They continue to message with the school district. The School Resource Officers (SROs) are actively involved in the buildings, with students, and staff. They continue to carry that message. There are a lot of positive things. They have given out many gun locks. Unfortunately, they have run out. They have another plan to issue some gun locks and are looking at some drawer safes and other things that provide an extra layer of security. In the springtime, families transition. There is a lot going on. Some of our youth go off to college dormitories and other places. Sending out that safety reminder is important. There is more work to be done in this area. They continue to do it every day. Related to 825 Tech Center Dr., there is training space that is going to be provided as part of the project. They are going to be able to carry that safety message. There are a lot of firearms owners in Gahanna. He does not think you can hit that safety message and provide enough training. These training spaces will allow for the police department to do a lot of outreach efforts. There is professional staff who know firearms and firearm safety inside and out. They hit on safety every time they are in their training environment. Some of the council members have come to training classes. Whether it is unarmed self-defense or whether it is firearms or it is escalation of the Citizen Police Academy, they hit safety at every turn. This will provide them with an opportunity in the outreach efforts to hit on those safety messages.

President Bowers has provided council with a copy of the GJPS gun

safety resolution that was passed in February along with a copy of Valparaiso, Indiana's resolution. She appreciated Valparaiso because it was passed with seven to zero by their Council with bipartisan support. They coalesced around language that was very similar to what is being presented here today, across party divides.

Vice President Weaver thank Chief Spence and his team and for working with our schools. He thanked Bowers for moving this resolution forward.

Recommendation: Introduction/Adoption on Consent Agenda on 4/1/2024.

F. ITEMS REFERRED BACK TO COMMITTEE:

[ORD-0020-2024](#) AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COMMUNITY REINVESTMENT AREA INCENTIVE AGREEMENT WITH BURNS AND SCALO OHIO LLC TO FACILITATE RELOCATION OF ITS CORPORATE HEADQUARTERS TO A NEW FACILITY ON TECH CENTER DRIVE, PART OF COMMUNITY REINVESTMENT AREA #3

Economic Development Director Shannon Hamons said the ordinance is to authorize a Community Reinvestment Incentive for Burns and Scalo in Community Reinvestment Area (CRA) number three on Tech Center Drive. Burns and Scalo is a commercial roofing, siding, and solar installation company currently located in a leased building in Delaware. They would like to move to Gahanna and own their own building and bring 34 employees. Hamons sent an update last week regarding this project stating that the company would guarantee 52 employees by the seventh year. The negotiation with the company began almost a year ago which precedes Mr. Hamons with the previous director. In continuing this, they felt that a 12-year 80% incentive would keep the city competitive with other communities. Considering the amount of investment of \$5.3 million for the building and another million for the purchase of the land, it was appropriate for that request in his opinion. The CRA number three does provide for up to 100% at 15-years. The company felt that they did not need that to compete, but they did need the 12-years at 80%. President Bowers asked him to provide some information regarding what an 80% incentive would look like versus a 50% incentive. An 80% incentive to the company would be worth about \$1.7 million for 12-years. A 50% incentive would be a little over a million for the same period. The 80% incentive would require the city to share 50% of its new income tax or about \$477,000 with the school district. The 50% incentive would require the city to share 33% of its new income tax or about \$319,000 over the 12-year period. For the 80% incentive, adding the 20% new building taxes collected the increased land and so forth the school

district would receive about \$800,000 over the 12-year period or about \$67,000 annually. That compares to the \$16,000 they receive currently for the land with no building. With a 50% incentive the district would net about just over 1 million for 12-years or about \$85,000 annually, compared to the \$16,000 that is currently collected on the land with no building. Over the 12-years for an 80% incentive the city would realize about \$491,000 compared to the \$664 that the city receives currently for the land with no building. For a 50% incentive, the city would realize about \$665,000 for 12-years or about \$55,000 a year compared to \$664 that is generated currently with no building.

Councilwoman Jones thanked Director Hamons for the comparison of 80% to 50%. She is curious on how 80% was landed on and how that compares to other negotiations with other businesses. Hamons said looking back the last year through the incentives that were negotiated and awarded, it is like those. With the job creation going from 34 to 52, it is not an extraordinary number but it is a very solid number. The abatement given to Grote recently for their project was going from 107 employees to 120. They got a very similar incentive. This is greater than that. When we talk about where we start, 15 years 100% is a starting point. He does not think they felt that was needed for their project. They want to be good corporate citizens as well. Considering it was not in the hundreds, the city did not think 100% was worthy either. So, settling on the 80% seem to be logical for the job and the investment and the fact that the land is generating almost nothing now. He thinks with both those things considered it seemed logical.

President Bowers commented on what Mr. Hamons referenced as abatements that council has passed recently. The Grote business was on an addition to an established business in Gahanna. Hamons said that is correct. A company, some type of roofing business on Johnstown Road near the VFW area, she believes was also an addition to an existing business. She is struggling to remember any other abatements that Council passed other than the Everett Apartments. Hamons said he would have to go back and look from last year, but there were several before he arrived. Ortho One, which was significant because of the job creation. Romanoff Electric, ADB Safegate. A lot of those had some significant job creation. Grote did not; however, they are getting an incentive to renovate their building. They are not really adding a large amount of new revenue based on the structure itself. The taxes are being collected as they would have been on the existing structure. The increased valuation is not as significant as bringing a new company. The Grote site is already generating significant dollars because the building already exists. Bowers wanted to make sure that the distinction was clear. A number

of those that were passed last year were additions or improvements on existing businesses already located in Gahanna.

Councilman Schnetzer said the application references 34 full-time equivalent (FTE) currently and eight 1099 employees who are independent contractors. He asked how those are treated currently with withholding. Bury said there is no withholding. In the contract, he did not see a reference to the 1099 independent contractors. Is the projection of 52 employees inclusive of that or exclusive. Hamons said it could be spelled out specifically in the agreement that those 52 are FTE. Schnetzer said they would be subject to withholding and the 1099 would not be. Hamons said that is correct. Schnetzer asked if there is any idea on expectations for growth in 1099 employees. Brian Exline, Vice President of Burns and Scalo, anticipates that growth being an additional two to four 1099 employees for a total of 10 to 12.

President Bowers said she would love to see Burns and Scalo make Gahanna their home, and she does want to see job growth. She thinks the type of business that they have created, their proven track record, makes them a great fit. She would certainly love to see them grow their business here. One of her concerns is that the unabated value over 12 years to the school district would be \$1,274,553 if she did her math correctly. She asked Hamons if those numbers were consistent with his numbers. Hamons asked if she is talking about the 80% incentive or the 50%. Bowers said she is talking about the unabated realized value to the school district over 12 years would be \$1,274,553. Hamons said for the 50% incentive for 12 years the abated value is one just a little over \$1 million and the school district's portion of that is \$637,000. The unabated portion for the school district, considering that it's 50%, is the same number of \$637,000. Bowers said \$637,278 times two. Hamons said the 50% abatement is for the school district portion only. Bowers said she is just talking about the school district portion only for right now. The unabated value to the school district would be \$1,274,553. If there was absolutely zero abatement on this project and Burns and Scalo located here and built their structure here, the school district would realize over a 12-year period just shy of \$1.3 million. Hamons said that is correct. Bowers said she understands there has to be some kinds of tradeoffs, and that sometimes we have to give things to get things. She gets that. Where she is not sure, it is too big of a gap for her on the 80%. The 80% ask the district to take roughly a \$500,000 cut. Even with the compensation agreement. At 80%, the school district's revenue over a 12-year period is just short of \$800,000. It is almost a \$500,000 difference, and to her, that is just too broad of a gap to ask our school district to bear. The 50% incentive brings that up just over to be about

\$250,000. It cuts it in half. Hamons said that the 80% incentive they would get about \$800,000 for the 12-year period. For the 50% incentive, they would get just over a million. There is a difference of about \$200,000 because we are making up some of that gap in payroll tax. When we look at incentives, we always consider not only the number of jobs but the overall investment and what it means to the parcel of land that we are attracting a company to. Currently, the school district is getting \$16,000 a year with the 80%, they would get about \$67,000 a year in received money. About \$50,000 more annually. Bowers said no argument that anything is better than nothing. As stewards of land and tax dollars and the long-term success of our community, she thinks that the \$500,000 dollar shortfall to the district is too broad. Every other abatement that has been brought forward they have not seen a gap like that. Because of the revenue that is created through the jobs, she believes they have seen payroll being able to make up and bring us much closer. It has been a net zero in effect to the district. This is where she is struggling with this one. Hamons understands her viewpoint and would love to have a world where there were no abatements anywhere and we wouldn't have to compete with other communities. He cannot speak on behalf of the company regarding their ability to consider a 50% abatement and what that does to their proforma - what that does compared to the other properties that they have been considering. Only they can answer that, and he does not know that they are ready to answer that tonight. He thinks that is something that they would have to consider and let him know if they would consider a reduced abatement. Mr. Exline said that one of the exciting things about growing a company is that you grow and you need larger facilities, and you want those facilities to be able to support you over the next 20 to 25 years. The downside is to build a facility like that, you have to be able to afford it today even though it is more facility than you need today. As they have looked at what the next several years are going to look like for the company, being able to afford the property and the building and everything that entails, where they settled on this is where they need financially to be to comfortably be able to afford it. If it drops down to a lower number than that, then they would have to do a lot of soul-searching to see if they could afford it in Gahanna. They have talked about wanting to be in Gahanna, and he grew up here and graduated from Gahanna Lincoln. Being in Gahanna is an attractive thing for their company and for their employees. If they were to go to a lower amount, it is something that they would have to look at with a couple of other options that they have. It is not something they would want to do but financially at the end they have dollars to account for. They would have to take those into account and then decide. Hamons said the company has an option on a piece of property and is

contingent on this incentive. They would not have to necessarily purchase this land at this point. He will continue to talk with them and see what their response is and have some feedback for council before next week.

Vice President Weaver asked Hamons to look at some of the other abatements council has recently acted on to see if he can identify that gap at which Ms. Bowers was hinting at. He believes that would be helpful for him to see. Hamons said he would.

Councilwoman Padova directed her comment to Mr. Exline. When we are talking about Gahanna being a great place to live, work, raise your family, obviously going to schools is one of the big factors. She asked what his company does to help support the community, whether it be food drives or donations or philanthropic causes that they support. Exline said they have Scalo Learning Center. It is a learning center where they bring in children and do different projects with them. They teach them how to use a hammer, how to use a screw gun and just little things like that. They do programs with local hospitals. Padova asked if there is anything that brought them to Gahanna that they really loved, what Gahanna has to offer. Exline said they looked at lot of different communities. When they talked to other communities, they don't focus on education the way Gahanna does. It is kind of remarkable as a group how focused this group is on education, on the school system, and the school district. That was one of the things that was attractive to them. When he looks at a community and where he would want his kids to grow up or his grandkids to grow up, this is the type of community that he would want. It means this is a community that that cares very deeply about that aspect of the community. When you have a group that is this focused on education and on the school system, this is where you would want kids to grow up.

Mayor Jadwin said the Columbus region is growing, and we are all competing for new businesses. She asked how Gahanna compares with regard to the incentives that were offered with other communities. Exline said at the 80% for 12 years, Gahanna is extremely competitive and in line with what competing areas are. If it were to go down to the 50%, it would drop Gahanna below what some of the competition is able to offer. Particularly, with Columbus, an 80% 12-year is simple to get. So, 80% 12-year puts Gahanna exactly where they would hope that they would be. It makes sense for their business model moving forward. If it were to drop into that 50% range, it would be below what some of the competition is readily offering. Tom Caldwell, Elford, said Columbus was 75% 15-year. Exline said the overall the numbers are close to each other even though it is a slightly different percentage.

Recommendation: Second Reading/Adoption on Regular Agenda on 4/1/2024.

[ORD-0007-2024](#)

AN ORDINANCE TO REPEAL AND REPLACE PART ELEVEN - PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

Director Blackford said there has been extensive discussion about the zoning code over the last month or so. At the last meeting, he had some changes and there was also some discussion about Accessory Dwelling Units (ADUs). He is looking for some direction on where to go with those, including the language that was introduced last week. Do they want to amend any of that language or ADUs? Staff has ample time to get Council that document for the next meeting.

Vice President Weaver said at least in terms of ADUs, based on some research and some outside commentary that they have seen, guidance they have received, he knows there was talk of limiting the ADUs to parcels that are owner-occupied. He believes as currently drafted there is a restriction involving family. He thinks he would be more comfortable at this point removing that family restriction but keeping the owner-occupied requirements. He can provide redlines to the Clerk. He thinks given the number of ongoing conversations, it would be ideal if it could be compiled into one updated document based on the conversation this evening to move forward with amending and passing at the next meeting. Blackford said they will provide a redline version of just the changes discussed tonight.

President Bowers said the changes that were proposed last week in addition to the ADU change and the questions Mr. Renner raised that came up during the last public hearing.

Councilmember Renner apologized, as he said in his email, that Mr. Blackford has not had a chance to review the proposed changes to the zoning code. He said if they recall, they had a resident step forward and let them all know that the proposed zoning code change would disallow the ground-based solar solution that he was considering on his property. It was a surprise to everyone. That same night, the City joined Power Clean Future Ohio (PCFO). One of the services PCFO provides is code review. It is a free service. He did reach out to Joe Florida at PCFO and asked for advice on this. Florida and the staff have looked at the proposed change and then spelled out how it can be amended to go with the standards that are happening all over Ohio in ground-based solar solution. They also provided guidelines document and a similar type of resolution that was passed by the City of Granville addressing both the rooftop and the ground-based solar systems. He took PCFO's recommendations and

put them in a separate Word document and referenced a table on page 52, Table 15 of comprehensive use. In the zoning that is before council, the ground-based solutions are blank which means it's not a permitted use unless you get to some of the commercials. PCFO is recommending that these are permitted uses. Language can be added in about how the city wants to deal with it. On page 56 for the two specific codes that deal with building mounted or ground-based, he copied and pasted the language based on their recommendations. Some of the changes on that are about focusing on what is some of the modern language. It is not needed anymore, such as minimizing glare because solar panels already do that now. The idea is that they want to pull in a lot of this solar energy as they can. Ground-based systems themselves they were looking at allowing it in the rear and inside yards. Instead of minimizing 8-ft height, it is raising to 10-ft height. The other thing that is crucial to ground-based solar is adding language about decommissioning. When it is on roofs, decommissioning is simply removing it and repairing the roof. How does that look with ground-based systems? There is suggested language on how to address it. He added language about including the foundation, the footers of the system down to 48 inches. He understands from Mr. Blackford that the city probably does not do that on other things, like decks, so maybe that's going too far. His goal is to try to attenuate how does the city address ground-based solar systems which are very much needed in a variety of different situations for residents. Not everybody can put solar panels on the roof. They need to be able to put it in the rear of their yard. There are modern ways to deal with that and so that is what he was trying to do. He understands that his colleagues and Mr. Blackford will need time to digest this and understand. There can be a better discussion about the impacts.

Vice President Weaver asked Mayor Jadwin if she had comments. She responded she is trying to understand next steps given where they are with the zoning code and now this, which certainly bears discussion, further research, and evaluation. How does one impact the other, if at all? Do we move forward with the zoning code as proposed and continue this discussion and evaluation? When codes are passed, you always have to go back and amend and revise them later on. Renner is more than willing to accommodate that, and the resident that voiced concern is open to that. He has not put the money down and started investing in the system. But, Renner noted, if we can show positive direction this would be beneficial. Renner said they can move forward with all the other changes but then consider the solar addition an amendment to the proposed zoning. Blackford said if he correctly understands the amendment to zoning for the solar would be post

adoption, if things go well on April 1st. Renner said that is correct. But they will be moving in earnest on new language. This is ideal for staff since this is a little bit more robust. There was a request for follow up in the very near future on this topic. Vice President Weaver would be in support of that. He thanked Mr. Renner for bringing this forward and the resident who brought it to their attention.

Councilmember McGregor asked if a permitted use for the ADUs would be for a short-term rental like an Airbnb. Mr. Blackford said short-term rentals and ADUs are separate items. The way things are written currently, an accessory dwelling unit would be eligible for the rental program. McGregor reiterated her concern about the increased traffic and the increased use of the sewer capacity in systems that were built for so many units and so many units of household use. She believed there would be an over taxing to the sewer capacity.

President Bowers asked Mr. Blackford if he has an adequate amount of information from councilmembers to know what they are asking in terms of amendments. Blackford said he does and to please correct him if he is wrong. It sounds like the proposed amendments that were shared last week are okay to move forward. For accessory dwelling units, there is desire to remove the family component. That will also be removing a definition as well to family. Also, related to but slightly separate from the zoning code rewrite is they are going to explore more details on ground-based solar panels.

Vice President Weaver asked on the definition of "owner," is that going to be the same definition that's used by in the ORC at least as county auditors use it. Blackford said that is the same definition in chapter seven for the rental registration for "owner." Weaver said if we are going to move forward with ADUs being owner occupied, we would be relying on the auditor's office to have their data correct.

Recommendation: Second Reading/Adoption on Regular Agenda on 4/1/2024 with consideration of proposed amendment(s).

[ORD-0009-2024](#) AN ORDINANCE TO AMEND THE CITY OF GAHANNA BUILDING AND ZONING FEE SCHEDULE

Recommendation: Second Reading/Adoption on Consent Agenda on 4/1/2024.

G. DISCUSSIONS:

1. Public Arts Policy - Status Update & Discussion

[2024-0058](#) Arts Policy & Public Arts Advisory Committee (PAAC)

Mayor Jadwin said they have been working with due diligence on the development of a community-informed policy that would incorporate best practices for the city and that would best position the city for potential legal challenges. With regard to the placement of public art on city-owned property, there is a final draft of a policy. She will share that policy with council before it goes into effect. There will be an opportunity for discussion with council. The policy that will be implemented is a conglomeration of the work that was done by the Mayor's Arts Advisory Panel with input from outside legal counsel that has had extensive experience in dealing with the First Amendment, particularly regarding government and public sector. Also, it includes input from our city attorney with regard to best positioning Gahanna and input from the two senior directors. There are going to be internal impacts with regard to operation and overall administration of the arts program and placement of arts in parks. The draft policy, while it looks a little bit different from the draft that the panel had provided, it is substantively very much the same. There was a meeting last week with outside counsel, City Attorney Tamilarasan, Senior Director Vollmer, and Senior Director Schultz. When you get four out of five lawyers in a room, language changes. The most critical update is the inclusion of a paragraph that speaks to identifying public art that is placed on city-owned property. That would be the city's government speech, which again, is the recommended approach to presenting the best legal defense for the city in the event of potential challenges. She will share the draft with council and there will be an opportunity for discussion. She would also like to share it with members of the arts panel to talk with them and walk through what they had provided and where the policy is today. Director Vollmer has a brief overview of the basic tenets of the policy.

Director Vollmer presented an overview of the policy. Presentation attached. The policy was formatted in the standard policy format that other City policies take shape. The first section of the policy refers to the purpose. This is one of three purpose statements in the policy. The City of Gahanna values the importance of art in adding to the vibrancy of the community. As an owner of property throughout the city, the City has the opportunity to make spaces available to advance art and enhance the beauty of the city. The next section of the policy has definitions. She discussed the policy itself and talked about the committee that will be established. The policy calls for the Public Arts Advisory Committee (PAAC). It has voting members serving two-year terms that are Gahanna residents like other city boards. The mayor would appoint two members. Council would appoint two members. There would be one member representative from the Gahanna Area Arts Council. The other person on the committee, a non-voting

member is the program administrator. The mayor would appoint a designee from city staff to serve as a program administrator for that committee. The functions of the PAAC would be to develop and manage the process for the selection of public art for display on city-owned property. Consistent with the city's procurement policies and procedures, it would engage Gahanna residents in the selection process, evaluate safety and maintenance concerns, review and make recommendations to the city's program administrator regarding the approval of submissions to be displayed, provide input to the program administrator in the selection of site for public art, and assist in developing and implementing promotion strategy, including public dedication events after installation of public art. The functions of the program administrator would be to make final determinations on the recommendations received from the committee, that is, make a final determination in consultation with others, such as the parks division who would be installing these items on safety and maintenance. Additionally, the program administrator would provide project administration during design review, refinement, construction, and installation. Upon completion, the program administrator would acquire and follow the city's procurement policies to ensure the city owns all the public art in accordance with the procurement policy. The next section talks about artist and artist selection and how the panel will evaluate the art that is solicited. They would look at the artistic merit of the project, the project management capabilities of the artist, expected lifespans of the project and the construction, durability, maintenance, and safety of the project. The last section of the policy talks about ownership of art. All ownership rights of public art created, purchased, or donated through this process shall vest in the city upon receipt and acceptance of the Public Art. The City shall reserve the right to remove or alter the work to ensure public safety. The next steps would be adoption of the policy by the mayor and the appointment of the PAAC members. Mayor Jadwin said before that, there would be some discussion with council as well and the Arts Panel.

President Bowers said, with just having seen this, she wanted to make sure she understands they are talking about permanent installations on city property, not talking about snowplows. Mayor Jadwin said the policy has definitions. There is temporary art, which is artwork that is not intended to be in place for more than a year or within a year that it would be removed (the snowplow, Story Trail, Bright Blocks, those types of things). Permanent artwork would be artwork that is not intended to be removed within one year from the time it is placed (sculptures and things that have a longer lasting life). Temporary artwork would give more flexibility to be able to address issues with our schools, work with our schools, give them direction when we need

artwork on to illustrate this story. It gives more flexibility with that. It defines and separates the two of those. Bowers asked if there would be any action by council in accepting a piece of art. The mayor said there would not be any need for council action. Vollmer said except for the appropriation of dollars if dollars were appropriated. The panel talked a lot about providing dollars to artists to even submit for a project and then the eventual full cost. That would be a council action. Bowers said there would be review of allocation of those dollars through the budgeting process, through quarterly reports, that kind of thing. Vollmer confirmed that is correct.

Councilmember Padova asked what the benefits are of forming the PAAC rather than using the Arts Council that Gahanna already has. She knows that someone in the conversations had mentioned that it would be appointed by council and the mayor. Is there any other reasons for doing that aside from just the appointments? Mayor Jadwin said when outside legal counsel Donald Brey was here and spoke to council, he spoke specifically about the fact that it was his recommendation not to have an outside organization that would not be accountable to the city. By Council appointing and the mayor appointing people, there is more accountability to the city because we are talking about the placement of public art on city-owned property. That does not mean that there is not a way that the PAAC wouldn't work with the Arts Council; they could. That is why administration left a seat for the Arts Council as a member of the PAAC, as well to help create those relationships. The recommendation of legal counsel was not to have an independent organization be that outside body. Padova asked based on the number of projects, public art, things like that that we do currently in the city, how frequent would the mayor see this group meeting. Mayor Jadwin said it might be too early to tell. They would meet on an as-needed basis. The City would have to get it up and running to see how it works and what the cadence of that looks like.

President Bowers sought clarification that this policy has absolutely zero bearing on private property owners displaying art. Mayor Jadwin said that is correct. Bowers asked has there been any changes to zoning code related to murals on private property. City Attorney Tamilarasan said in her review of the zoning code it reflects that artwork that is displayed on private business owners' land and property would be constrained by the same zoning requirements as any other signage, except for a public art mural. It would be something that the city would have to designate as a public art mural. It would go to the PAAC to designate something as a public mural. If that was to be a permanent installation on the side of a building, for example, it

would have to be designated as a public art mural to exempt it from the restrictions of the zoning signage code. Bowers asked if it could be done purely by executive function. It would not require any kind of council action. Tamilarasan said that correct, and it is her understanding that the designation by the city could be either an administrative action or a council action. Bowers said either the administration or council can designate a public mural. Mayor Jadwin said, for example, the side of Signatures. Bowers said Signatures could also go through the zoning process to get a permit to paint their own building if they wanted to. Mayor Jadwin said that is her understanding.

Vice President Weaver said that would fall under signage requirements that has its own set of restrictions, such as lettering, or for example, Signatures could not have a mural on the side that celebrated the businesses of Olde Gahanna because it mentions businesses. Tamilarasan said that is correct. The definition of public mural does not allow trademarks, logos, or any copyrighted material. Bowers asked if there is anticipated to be any payment to the PAAC members. Mayor Jadwin said no; it would be a volunteer organization. Bowers said the PAAC would make a recommendation to whom. Mayor Jadwin said to the program administrator, who currently is Director Vollmer. Bowers asked if there would be anything stopping the program administrator from getting recommendations from citizen groups or individual residents to take under consideration for like public art. If a citizen group wanted to come forward and proposed to the program administrator directly, Vollmer said under the policy she would send it through the committee. Bowers said if the committee liked it, thought it was a good idea, then they put their stamp of approval on it, [Vollmer] says this looks great let's go for it. Vollmer said right, then the administration would have to approve the site. They can't put stuff anywhere somebody wants. That is one of the tasks of the PAAC as well, to determine sites for public art. Bowers asked if they could work collaboratively with the Arts Council as an external entity if they came forward with a proposal and then it is routed through the PAAC. Vollmer said yes, it would be the same as anybody else bringing something forward. Vollmer said the idea that was talked about in the mayor's advisory panel was that there would hopefully be eventual funds allocated. The city would put out a solicitation and say it wants to put some art at this location, please submit. The Arts Council would have a representative. They would be able to speak on behalf of the council as well. Bowers wants to make sure she understands. With the public murals, it can either be a council action or it can be an administrative action. Just like they accepted public art last year. She asked if her understanding is

correct. Tamilarasan said yes, under the zoning code it just has to be designated by the city for the private property murals. Bowers asked if Council take action to place public art on public property. Tamilarasan said no. It would go through the policy, the administrative policy, which is the committee. Bowers asked if they could allocate funding to the committee. Tamilarasan said yes.

Councilmember Jones asked for the function of the PAAC, will they have bylaws or is the policy what governs them. Vollmer said they would have to establish those. For developing and managing the process for selection, that group would need to come up with those policies. It would need to be consistent with the procurement policy. For example, something that is going to be over \$10,000, they must get quotes. If it is going to be over a certain amount of dollars, that comes before council. Jones said engaging Gahanna residents in the selection process, means the selection process of the art for a given event or thing. Vollmer said many of these were taken directly from the policy that the panel put forward. They are like what other cities have in their boards/commissions. Jones asked if Council would have an opportunity to read the whole policy. Mayor Jadwin said correct. She will send it to them. They are making some final edits. She will send after the meeting is over and there can be another discussion on it.

Vice President Weaver said based on this it looks like the PAAC would make a recommendation and he is assuming in their bylaws that they establish that can be a majority vote or unanimous vote, however they decide they want to structure it, and that recommendation at the moment would go to Director Vollmer. She can choose to accept that recommendation or not accept it. Vollmer said she would make sure they followed the city's procurement policy and ensure that the safety of the community and public safety is going to be maintained, which is also the criteria. The committee would have taken that into consideration as well. Weaver said her recommendation would be based solely on what is in the policy for consideration by the PAAC. Vollmer said she would make sure that city policies are being followed.

Councilmember Jones asked if the PAAC is asking for the art or how does that happen. Like the Bright Blocks and the Jazz Festival, is it the PAAC's responsibility to decide that they want art for that or can someone still bring forward ideas or options for art. Vollmer said yes, someone could bring an idea or option forward and it would run through the committee. Mayor Jadwin said the Bright Blocks would be a little bit of a different situation. It is almost a hybrid because the Bright Blocks are created as part of a separate event that is run by an

outside organization. It is kind of entertainment during the event. It is the placement of those then into the parks that becomes the issue. Just the event itself is temporary artwork. If they were to then be placed in the parks for more than a year, then that would have to run through the PAAC in terms placement.

Councilmember Renner asked Vollmer to expand upon the public safety component. How does art affect public safety? Vollmer said there are sculptures in the park with snow fencing around them because they could be considered a public nuisance. Kids would want to climb on some of those structures. A couple of them move in the high wind. Those are some examples of some things that are currently up that must have protective barriers around them. Mayor Jadwin said making sure the materials are sturdy enough for their placement, that they are not going to create an issue. Renner said they are talking about the physical. Mayor Jadwin said there are many aspects to it. It is not just a design. When you think about all the different types of artworks that could be created, if you are placing something, it is not just a painting on a wall. It could be a sculpture in a park. Is it built to withstand winds and the weather? It is making sure that kids who are in the park are safe. Currently the city has some sculptures that are what she would call attractive nuisances. Renner said just to be clear, it is not about the content of the art. It is just about the physicalness of what it is being applied to. If it is a sculpture, is it freestanding and is it safe, that kind of stuff, but it has nothing to do with content. Vollmer said yes, it is about the public safety. There are insurance requirements as well. Weaver asked if there is a content moderation piece to the policy. Mayor Jadwin said no, this is not about content moderation. That is why the provision regarding government speech is particularly important. Tamilarasan said essentially the policy designates everything as government speech. Meaning that it is consistent with the values of the city and that we reserve the right as a city to decline art that is inconsistent. In that sense, it is a content moderation reservation of rights. However, the purpose of the committee and the panel is to use a viewpoint neutral criteria to select and solicit art that the city would then put up. However, the designation of it as government speech is what gives the city the allowance that we reserve the right, if something were to be inconsistent with the values of the city, that we could say no. The government speech component is yes, to be content moderation. However, the purpose of the panel is to use an objective and viewpoint neutral criteria to select art.

President Bowers said they have talked about multiple existing projects that exist, some of which are unsafe and some of which were

controversial for other reasons. She asked if this PAAC will be reviewing existing installations of public art. Mayor Jadwin said she wanted to go back and correct something. The issue that came up was never about what was the content. It was making sure that we had a policy in place so that when there were other challenges of artwork that the city did not want to go up, they would have a defensible position for this - making sure that the city was protected in that regard. What is up, is up now. She does not believe that it needs to be revisited. She believes that it is up; they have adopted that. The storybook trail that will go forward later this year is temporary artwork. She believes the city can move forward with the schools. She asked the City Attorney to correct her if she is wrong, and if there is a different legal position that the city needs to take, or if they need to do something to adopt whatever is up now as government speech then they would need to do that. She is looking for direction. Tamilarasan said it is her position that the manner in which we selected art, the manner it was created, and the parameters that were put on the art are already government speech. Council did act last year to declare certain pieces as government speech. That all stands for itself. Everything that is up and already displayed is already there. There is no necessity to go back and declare it government speech. The process by which it was procured or obtained and displayed was government speech already. This is a precautionary measure moving forward to declare and be clear that when the city does display art on public property that it is government speech to protect the city from an extremist situation that the city would want to preserve the right to say no in that situation.

President Bowers said she does not think that it is objectively agreed upon that what happened last year was content neutral or about policy. It was about specific panels that were pulled while others remained. She respectfully disagrees. She does not want to let that go without there being a point made that the perception of at least her and she thinks her colleagues was not that it was about just the absence of policy.

Councilmember Padova wanted to make sure that she is hearing it correctly that short-term installments do not go through this PAAC. It is just for long-term, something more than one year. Mayor Jadwin said that is correct. Padova sought clarification on the Bright Blocks. As long as they are not being put in any parks for more than a year, would those be able to go into the parks soon, this spring? Mayor Jadwin said it is her understanding that the Parks & Recreation Department has reached out to the Arts Council to ask about their intent for weatherizing those pieces, both from this last year 2023 and

2022. Also, there was outreach to the Arts Council to present some suggested locations as to where those would be placed. She does not believe there had been an answer received. Once that information is provided, they could start to move forward. Padova said, to be clear, what the Arts Council needs to provide the city with is weatherizing them. Mayor Jadwin said if the paintings are going to be placed outside in rain and what have you, the paintings need to be weatherized and made sure that they're waterproof. She believes that was the issue for 2022 Bright Blocks. Her understanding is an email was sent a month or two ago. Director Schultz said an email was sent on February 28th. Mayor Jadwin said they just need some answers in terms of working together to make that happen and identify where those need to go. Padova asked if there have been Bright Blocks placed in parks like years ago and if they came to the city weatherized already whose responsibility was it. Director Schultz said he believes for the 2022 and 2023 Bright Blocks, there were a few requests made for the weatherization of those Bright Blocks, especially in 2022 for those to be placed. Those were talked about being weatherized and the locations being selected and with the issues and challenges of last year in anticipation of the policy being done, our Parks and Recreation folks reached out to the Arts Council regarding weatherization and working cooperatively to find locations for both the 2022 and 2023 Bright Blocks. To his knowledge, an email has not been returned at this point. Padova asked how many Bright Blocks are currently in storage. Schultz does not know.

President Bowers said what she is hearing is that the city very much wants to work in good faith with the Arts Council to facilitate the weatherization of the Bright Blocks and get them installed as soon as possible. Is that a correct? Schultz said that is correct and that work was going on prior to this time last year. Bowers would really like to see that. It would help mend fences for both. She thinks that would be important. She encourages both the Arts Council and the city to continue to move forward on getting that done. Making accommodations to get it completed so that art can be displayed. Schultz said if the parks department has not reached out already a second time, he will make sure that happens tomorrow.

Vice President Weaver said no temporary art projects would be processed through the PAAC. Vollmer said she would follow the same administrative procedure. Vice President Weaver said this is a really good discussion and thanked the administration and his colleagues for having a really thorough discussion about this. He thinks he heard that anything that Council has already adopted as government speech is government speech. Mayor Jadwin said that is correct.

Councilmember Renner said they heard from a litany of residents about how horrible it was to put up those panels and nothing. To date nothing. Being content freeing and being able to express is very important to him and having the residents, especially the children, it is very important to him. One of the other things talked about and was also very near and dear to his heart is removing politics from art. He appreciates this PAAC and asked who actually makes the final decision. Vollmer said the policy calls for the program administrator to review the recommendations. Renner said she would serve as that function. Vollmer said she believes that is what the mayor said, yes. Renner said this is important and he has talked to the mayor about this - removing the politics from art. Whatever the PAAC says, yes, we want to do this, Vollmer is going to carry that forward or she is going to decide. Vollmer said as long as it meets the criteria. Renner said as long as it meets the criteria of the guidelines that they set up. Vollmer said correct and that all the procurement policies and everything else were followed.

Councilmember Padova said some of her questions have not been answered. She would like to get a follow-up on how many Bright Blocks the city currently has in its possession. It is important to her because she met a mother last fall whose daughter did the live painting at Creekside. She was super excited about it. She said it boosted her confidence so much. At the beginning, she was kind of nervous about it but by the end she was really excited about it. They have been so excited to take their family to the park and see this and haven't been able to do so. With it being the end of March and Creekside happening again in June. She is getting very nervous that as we approach it, she does not know what the current conversation is with the Arts Council and CVB, whether or not they will be offering that at the festival. She knows it is something that is very popular and has attracted a lot of attention. She would really like to see it keep going. She would really hate to have another parent reaching out to her this time next year. Padova wants to make sure they are able to have a plan for how many we have, what parks they can go into, and how long, and for the ones hopefully coming up this summer. She would like to get more information on that for the next meeting and would love to see some sort of actual plan on what is happening with these. Mayor Jadwin said she has not heard from Visit Gahanna as to whether there is any intention to include that in this year's Blues and Jazz Festival. As Director Schultz said, they will get a count as to how many the city has. She has seen the emails that were sent for 2022 and 2023 Bright Blocks. They can find out how many there are to be placed. She said to Councilmember Bowers that the city wants to work

collaboratively and help facilitate getting whatever needs to be done with those so that they can be protected and placed.

Councilmember Schnetzer said as a couple other members of council have mentioned, they do not have the policy in front of them. It is what they saw on the screen presented. He did not want to waste the opportunity to maybe ask a bit about mechanically how this is intended or envisioned to flow. There has been some comment about the city maybe soliciting. There has been some comment about people coming to the city saying they want to do something on public property. He asked if both of those are on the table or is the intent that the city will say, we have this site identified, here are the parameters we are interested in, and then getting a response that goes through the PAAC. Vollmer said the policy has under artist and artist selection for acquisition, direct purchase and donation. If somebody was to approach the city and say they want to do XYZ at XYZ location, in her mind, that is a donation unless they are asking the city to pay them for it. If they are asking the city to pay them for it, then it would need to go through more of a selection process. The policy allows for both the solicitation of art in a certain spot and donation, which she thinks is what some folks have been describing as this group wants to put this here. To her, that is a donation. Schnetzer said not all donations are cost free. Vollmer said nothing is cost free. Schnetzer said if it is a structure, and it requires some form of maintenance, he wants to make sure that there is the ability for the city to pump the brakes and that this is not just opening the floodgates of if anybody wants to put anything anywhere and the PAAC then takes on a life of its own. Vollmer said they would make the recommendation to the program administrator. If during the discussions there is a safety concern or something else like that, she or, if Mr. Guthrie was with her as the park superintendent, he would bring up the safety concerns as well.

Councilmember McGregor said when you are talking about the Bright Blocks it would not be the city's responsibility to make sure they are weatherproof. It would be the artist or the people wanting to put them in the park's responsibility to make sure they were weatherproof. Vollmer said that is correct.

Vice President Weaver expressed his thanks to the Administration, City Attorney, outside counsel and the volunteer panel members that the mayor appointed. He looks forward to having the opportunity to review the full policy. It sounds like the administration is open to feedback on that once council is able to actually review it. It has been a long time coming, and it has been a tough road at times, and a tough subject. He is looking forward to moving the city forward in a

way that benefits the entire community. If possible, he would request of the administration, he knows it is not public art but he feels there is a confusion with private murals, possible large murals on the side of a building that is privately owned and where that comes in with possibly the public art policy now, to help him understand what's the pros, cons, and benefits of doing it one way or getting designated the other. That would be helpful because he has seen some recent chatter on social media about a private business looking to do that. If that is something that needs to be clarified in the zoning code as a public art installation or just an art installation separate from signage, he knows that is a different creature. He would appreciate if that could be teased out before the next time. Mayor Jadwin said she and the City Attorney need to have further discussion around that. It was part of the challenge to separate public art versus art on private property. They are two different things.

2. Committee of the Whole Schedule for Q2, Q3, Q4

President Bowers has circulated to councilmembers and senior administration a committee schedule for the rest of 2024. Council adopted amended Council rules that allows more flexibility to schedule committee meetings on different days, potentially following regular Council meetings which tend to be a little bit shorter. There will not be a committee meeting on April 8th. The next committee meeting is scheduled for April 22nd. So, they would come back on the arts policy item at that point in time. There will not be a committee meeting the week of Memorial Day. She had expressed her wishes to skip committee meetings in July and stack them with the regular meetings on the 1st and the 15th. There will be potentially some committee meetings in July following regular meetings. It should continue fairly uninterrupted the rest of the year with a final scheduled committee meeting on Monday, December 9th. President Bowers said data was pulled for the yearly numbers of waiver and emergency legislation. We are benchmarking to know where we have been, and if this causes a spike in difficulty with emergency and/or waiver. She noted that now that we do have that benchmarked for years past, we'll be able to keep track of that data going forward and adjust this if needed.

H. ADJOURNMENT:

With no further business before the Committee of the Whole, the Chair adjourned the meeting at 9:15 p.m.

Jeremy A. VanMeter
Clerk of Council

*APPROVED by the Committee of the Whole, this
day of 2024.*

Trenton I. Weaver
Chair