



City of Gahanna

Meeting Minutes

City Council - Special

200 South Hamilton Road
Gahanna, Ohio 43230

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

Jeremy A. VanMeter, Clerk of Council

Monday, May 8, 2023

8:00 PM

City Hall, Council Chambers

A. CALL TO ORDER: Roll Call

Gahanna City Council met in Special Session on Monday, May 8, 2023, in Council Chambers. President of Council Stephen A. Renner called the meeting to order at 8:05 p.m. The agenda was published on May 5, 2023.

Present 7 - Karen J. Angelou, Merisa K. Bowers, Nancy R. McGregor, Kaylee Padova, Stephen A. Renner, Michael Schnetzer, and Trenton I. Weaver

B. HEARING OF VISITORS:

President Renner noted several speakers were requesting time to speak. He reminded everyone of staying with three minutes to speak, and asked speakers to keep their comments non-offensive and compassionate. He noted that speakers are required to announce their names and addresses for the record.

Dr. Tracey Deagle, Superintendent of Gahanna-Jefferson Public Schools, spoke on the proposed Resolution.

Dr. Deagle greeted President Renner, members of the City Council, Mayor Jadwin, and City Attorney Mularski. She introduced herself as a Gahanna resident and the superintendent of Gahanna Jefferson Public Schools. Dr. Deagle expressed gratitude for the introduction of the Resolution in support of displaying students' artwork, emphasizing the importance of the relationship between the school district and the city government for the success of students and staff. She highlighted ongoing collaborations between the school district and the city, such as the construction of a new high school, parking opportunities for high school students, the creation of the Link to Literacy multi-purpose trail, and a compensation agreement to support local businesses. Dr. Deagle emphasized the interconnectedness between the school district and the

city through shared representation on committees and regular collaboration with the mayor. She shared her commitment to public education and praised Gahanna as a welcoming and inclusive community that immediately felt like home upon her moving to the City. Dr. Deagle said she prioritizes the safety of students and staff, both physically and psychologically, and expressed her support for students' expressions through various mediums, such as classroom discussions, music, and visual arts. She recognized the power of student voices, their importance, and the need to support them in expressing their views in a non-violent and respectful manner. Dr. Deagle mentioned the standards set by the Ohio Department of Education for visual arts education, which encourage critical thinking, perspectives, and the reflection of society and cultural identity through artwork. She appreciated the City Council's recent discussion, noting that it aligns with the Grade 8 Visual Art standard of understanding how social, cultural, and political factors influence contemporary artists and designers. Concluding, Dr. Deagle described Gahanna as a beautiful and diverse community with caring residents, and she fully supported students using art to express their perspectives and represent their creations in the city. She expressed her gratitude for the consideration of her comments.

Kathy McCorkle of 677 Piccadilly Court, Gahanna, OH spoke on the artwork for the mural.

Ms. McCorkle stated her opposition to placing mural artwork that includes images of Black Lives Matter (BLM) on the Creekside water wall. She referenced a statement made by President Stephen Renner during a previous Council meeting where he mentioned children shouting and painting with chalk in Central Square, questioning whether Gahanna children should be allowed to express themselves freely or be expected to adhere to the virtues of respect. Ms. McCorkle asserted that Black Lives Matter stood for disrespect of police and the law, disrespect for public property, and aimed to instigate a cultural and racist revolution, replacing the current form of government with a Marxist one. She argued that this is the ideology of BLM, not merely children's artwork depicting how they see Gahanna. She contended that this artwork reflected the political speech and propaganda that students have been taught in the public school system. Ms. McCorkle referenced Attorney Mularski's statement from the previous week, suggesting that the safest approach is for the City to own the art and consider it the official view of the city, thereby endorsing what she said was a Marxist mural. She implied that the Council had already made up their minds to allow the mural to stay and suggested that the proposed Resolution is a formality. She believed that if the Resolution passes, it would send a message that Gahanna supports a Marxist philosophy of BLM and disrespects the police and

public property. Ms. McCorkle urged the elected officials to make the right decision by voting against displaying what she described as Marxist images in Gahanna, stating that these are not Gahanna values. She expressed her disappointment in the Gahanna schools for teaching these values to children. She concluded her comments by thanking the Council.

Priya Tamilarasan of 762 Windward Lane, Gahanna, OH spoke on RES-0016-2023.

Ms. Tamilarasan identified herself as a Gahanna resident and an attorney practicing in the community. She expressed her support for the Resolution to hang the murals in Creekside. Ms. Tamilarasan highlighted the long-standing tradition of Gahanna displaying student art at the City's request in this forum, considering it as government speech. She asserted that the mural, regardless of its content, reflected the City because it is produced by the school system at the City's request. Ms. Tamilarasan concluded her comments by thanking the Council.

Sharon Montgomery of 572 Bonnington Way, Gahanna, OH spoke on RES-0016-2023.

Ms. Montgomery began by expressing her strong urging for the Council to approve Resolution 0016-2023 and adopt all the murals submitted for Creekside. She based her request on the principle of fair play. Ms. Montgomery pointed out that the students were given broad guidelines for creating and submitting murals that depict how they see their city, and they followed these rules. She highlighted that the rules were changed after the murals were submitted, which she deemed unfair. Ms. Montgomery drew a parallel by stating that if any of the elected officials had followed all the rules to submit their application for the ballot, only to have it rejected later due to rule changes, they would be outraged, and their outrage would be justified based on fair play. She emphasized that the situation with the students' murals is similar, and they have been treated unfairly. Ms. Montgomery emphasized the importance of teaching students about fairness and treating them fairly. She urged the Council to reverse the lesson the students have learned and approve the Resolution, accepting all the murals. Ms. Montgomery concluded by stating that allowing all Gahanna residents and visitors to enjoy the murals they like and pass by the ones they might not like would be a fair and inclusive approach. She thanked the Council for considering her comments.

Alfred Navarro of 951 Suzanne Way, Gahanna, OH spoke on free speech.

Mr. Navarro began by mentioning his background, stating that he is half Italian and was raised Catholic. Having listened to the previous Committee of the Whole discussion prior to the special meeting, he expressed his pride in being considered non-white and highlighted that he is proud of his identity. Mr. Navarro then moved on to discuss the concept of divisiveness and provided his interpretation of it. He suggested that divisiveness is rooted in the idea that if someone does not look like him or share the same thoughts and perspectives, there is a tendency not to like that person. He emphasized the importance of allowing people to freely express themselves, considering their ideas, and being open to growth. Mr. Navarro referenced the current situation in the US, specifically mentioning the banning of books in Florida related to history. He stated that Gahanna should strive to be better and not engage in such actions. He concluded by thanking the audience and Council for the opportunity to speak.

Fiona Hetrick-Cyrus of 537 King George Avenue, Gahanna, OH spoke about the special meeting on the murals.

Ms. Hetrick-Cyrus introduced herself as a student from Royal Manor who will be attending Middle School West. She mentioned that the students at Middle School West put a lot of effort into their artwork. Ms. Hetrick-Cyrus expressed her opinion that it does not matter how people look or who they love; everyone should be treated equally. She stated her excitement and support for seeing the artwork displayed. Ms. Hetrick-Cyrus concluded her comments by expressing her personal enthusiasm at the possibility of seeing her own artwork showcased.

Kevin Deskins of 4080 [inaudible], spoke on the mural.

Mr. Deskins shared that he spent his formative years in Gahanna, traveled the world, and returned to make a family and home in the city, just like his parents did. As a marketing professional, he expressed pride in his roots and the welcoming nature of Gahanna. Mr. Deskins expressed his enthusiasm upon hearing that Gahanna City Council entrusted the youth of the community to create art for the city. He believed that as a society, community, and representative government, their obligation is to build and improve for future generations' success. Mr. Deskins anticipated that there may be concerned community or Council members who fear the changing demographics or are resistant to different perspectives. He highlighted the importance of recognizing and respecting the diverse voices, perspectives, and people within the community. Mr. Deskins asserted that the young people involved in creating the artwork are aware of racism in their schools, families, and police forces, and they wish to bring awareness and positivity through

their art. He urged the Council to allow these young artists to create from their experiences and address the problem instead of being complicit or ignoring it. Mr. Deskins emphasized that it is their obligation as a society and community to build a better future for the youth and implored the Council to approve the Resolution. He concluded by warning that if they deny the opportunity for expression and understanding, their legacies will be condemned by future generations.

Paul Bryson of 215 Greenbank Road, Gahanna, OH spoke on the Resolution regarding public art, RES-0016-2023.

Mr. Bryson shared that he moved to Gahanna from a place where he felt uncomfortable due to the lack of diversity and the absence of people who looked like him or the people he grew up with. He expressed his delight in seeing the diversity present in Gahanna, with different people who look and speak differently but share common values. Mr. Bryson believed that the murals are a form of public art through which students can express themselves and challenge preconceived notions. He mentioned historical events and cultural movements that challenged societal norms and perceptions, such as the bombing of Guernica, Allen Ginsburg's poetry, students wearing black armbands, and the rise of punk, metal, and hip-hop. Mr. Bryson reflected on his own experience of encountering expressive and thought-provoking art, citing NWA's music as an example. He acknowledged that he lacks artistic talent but admires the artistic abilities of the students and the way they use art to make people think and challenge them. Mr. Bryson emphasized that the murals are temporary and will eventually be replaced, but for a moment in time, they allow the voices of the students to be heard and recognized. He referenced the story of "Horton Hears a Who," where the small voices of the children let others know of their existence, drawing a parallel to the significance of the students' art in representing their presence and perspectives. Mr. Bryson urged the Council to adopt the Resolution, asserting that the voice of Gahanna's children is the voice of the city and its people. He concluded by affirming the importance of recognizing that black lives still matter, addressing any doubts that might exist.

Oneita Bryson of 215 Greenbank Road, Gahanna, OH spoke on the Resolution regarding public art, RES-0016-2023.

Mx. Bryson expressed their strong support for adopting the Resolution and highlighted several key points. They emphasized that the artwork being displayed is created by students, and it represented their desire for representation of their identities and appearances within their community. Mx. Bryson asserted that the students want acceptance and recognition for who they are, even if they believe it is not currently

happening. They argued that the artwork accurately reflects the diverse nature of Gahanna, with people from different backgrounds and with different identities and relationships. Mx. Bryson emphasized the importance of representation, particularly for students who may face challenges or lack acceptance in their own homes. They described how seeing themselves and their experiences represented in the artwork can provide a sense of validation and pride. Mx. Bryson addressed the Council as elected officials, highlighting that they are also representatives of the community. They stressed that if the community is requesting representation, it is the duty of elected officials to fulfill that request. They concluded by emphasizing the significant presence of people advocating for representation and asked the Council who they were to deny it.

Todd Emoff of 7102 Ashcroft Drive, Gahanna, OH spoke on the school art mural proposed for Creekside.

Mr. Emoff mentioned that he has been living in Gahanna since 1994, and his children have had diverse friendships within the community. He expressed his confusion regarding the discussion about problems in Gahanna, stating that his family is Jewish and sees the Black Lives Matter (BLM) symbolism in the mural differently. Mr. Emoff argued that BLM aligns itself with the Boycott, Divestment, and Sanctions (BDS) movement, which he considered to have anti-Semitic values. He acknowledged a speaker from a previous City Council meeting who emphasized the importance of respecting safe spaces and mentioned that Gahanna should not tolerate government-sanctioned hate speech, a sentiment with which Mr. Emoff agreed. Mr. Emoff shared his observation that many people in Gahanna are unaware of the connection between BLM and BDS, speculating that the media does not cover this connection widely. He recounted an encounter with a rabbi who was surprised by the connection between BLM and BDS, as he had participated in BLM marches without realizing the association. Mr. Emoff mentioned his son's experience at NYU, where he witnessed joint marches by BDS and BLM and had to hide to avoid confrontation. He mentioned that his daughter, a fourth-grader at Blacklick Elementary, was involved in creating the mural but did not understand the anti-Semitic nature of the symbolism used. Mr. Emoff expressed his view that the mural's political symbols, connected to anti-Semitism, should not have been included and considered this a teachable moment for greater understanding. He requested that his family's safe space be respected and that no art or symbols connected to anti-Semitism be displayed on public property in Gahanna.

Brenda Jefferson of 402 Kasons Way, Gahanna, OH spoke on the

Creekside mural.

Mrs. Jefferson expressed gratitude for the opportunity to speak and stated that she will be brief. She requested the thoughtful consideration of opposing the artwork at Creekside. Mrs. Jefferson agrees with others who believe that artwork with a politically charged nature will inherently be divisive. She emphasized that the goal for everyone present in the room is to unite, find common ground, and foster love among community members. Mrs. Jefferson doubted that a piece of artwork with politically charged content would bring people together in the desired manner. She concluded her comments, thanking everyone.

Susan Scheuerman of 248 Carlin Court West, Gahanna, OH spoke on the mural at Creekside.

Ms. Scheuerman introduced herself as a resident of Gahanna for over 35 years and expressed gratitude for the opportunity to speak. She mentioned that her son graduated from Gahanna Lincoln in 2008. Ms. Scheuerman expressed serious reservations about including the initials "BLM" in the mural due to the extensive national news coverage of the organization during the events following George Floyd's death in 2020. She referenced the riots, fires, looting, and the slogan "defund the police" that became prevalent during that time. Ms. Scheuerman stated her love for the Gahanna Police Department and her desire for the city to be known for supporting law enforcement. She suggested that the mural could be reworked to be less controversial, proposing the removal of the mention of BLM and its replacement with MLK (Martin Luther King, Jr.). Ms. Scheuerman mentioned her discomfort with having an activist political organization mentioned at Creekside and emphasized the importance of focusing on the content of one's character rather than the color of skin. She reflected on her experiences as a child of the 1960s, having witnessed multiple assassinations, and expressed her desire for compromise and avoiding division. Ms. Scheuerman concluded her comments by thanking the Council and audience.

Chrissy Kaminski of 494 Theori Avenue, Gahanna, OH spoke on RES-0016-2023.

Ms. Kaminski introduced herself as a resident of Gahanna for over 10 years and mentioned that she has children in Gahanna schools. She expressed her love for living in Gahanna and highlighted the diverse school district and strong sense of community as factors that attracted her to the neighborhood. Ms. Kaminski appreciated the efforts of teachers, administrators, PTO, and the school board in nurturing the growth and development of students in Gahanna schools. She expressed

her support for the Resolution and emphasized the importance of including art as a part of the community, particularly created by school-age members. Ms. Kaminski praised the students for their participation and their ability to showcase their perspectives and experiences through their artwork. She argued that censoring the students' art would be detrimental to both the students and the community, as it would undermine their efforts and their celebration of diversity. Ms. Kaminski thanked the Council for the opportunity to speak.

Jessica Cisler of 564 Theori Avenue, Gahanna, OH spoke on RES-0016-2023.

Ms. Cisler introduced herself as a third-grade teacher at Royal Manor Elementary School and mentioned her 16 years of experience in the district. She expressed her support for the Resolution and requested that the student artwork be approved. Ms. Cisler highlighted the diversity of students at her school and emphasized the importance of encouraging them to respectfully express their thoughts and stand up for their beliefs. She stated that it makes sense for students, when given the opportunity to create artwork for their community, to focus on a positive message of diversity and inclusion. Ms. Cisler expressed her pride in teaching and living in a community where artwork like the one in question is not censored but celebrated. She commended the bravery of the students who submitted and shared their ideas through the artwork.

Matthew Murray of 640 Sycamore Mill Drive, Gahanna, OH spoke on the mural.

Mr. Murray thanked everyone for the opportunity to speak, mentioning that he had not planned to speak initially but felt compelled to do so based on what he heard. He acknowledged the value in the discussions held so far, including the superintendent's emphasis on the importance of young kids sharing their perspectives. Mr. Murray highlighted the responsibility of the Council members to engage in critical thinking, considering whether the design in question is divisive or if there are alternative ways to address the needs of the community. He encouraged working together and having discussions to find common ground and meet the community's needs. Mr. Murray concluded by thanking the Council.

Chelsea Cellar of 607 Valley Forge Court, Westerville, OH spoke on RES-0016-2023 adopting Creekside artwork.

Ms. Cellar introduced herself as a teacher at West and expressed her gratitude for the opportunity to teach in the district. She emphasized her

love for her students and appreciated the diversity of the district and the city. As an art teacher, Ms. Cellar recognized the power and meaning behind symbols and their ability to unify or promote harm. She supported the murals created by her students and suggested the establishment of guidelines or a system to determine acceptable symbols in the future, potentially through a more explicit and clear communication. Ms. Cellar acknowledged the concerns expressed by others regarding the symbols included in the artwork but highlighted that these symbols represent individuals and their intrinsic identities, which should not be politicized. She noted that being a person of color, disabled, or part of the LGBTQ+ community does not mean that values are incompatible with those who are not part of those communities. Ms. Cellar commended her students for respecting themselves and their community in their artwork, and she suggested that clarifying assignment boundaries beforehand could prevent similar discussions in the future. She concluded by thanking everyone and expressed her willingness to be present for future discussions if needed.

Craig Clawson of 566 Dunoon Drive, Gahanna, OH spoke on the mural and acceptance.

Mr. Clawson began by addressing the mayor and members of the City Council and shared his sentiments about the recent high school prom where students had a chance to enjoy their last moments of childhood before facing the challenges of the world. He mentioned that his son was among those attending the prom, which evoked emotions in him. Mr. Clawson highlighted the significance of the artwork created by other students in the district, expressing that it represented their vision for a diverse and inclusive community. He described the artwork depicting people of different races, shapes, sizes, and orientations standing together in solidarity, emphasizing that it reflected their pride and recognition of social injustice. Mr. Clawson thought it was interesting that there needed to be a conversation about what should be an idyllic painting, but he believed it is a reflection of the current state of the world. He expressed his support for the initiative and the presence of art in the community. Mr. Clawson referenced Martin Luther King, Jr.'s words, particularly the idea that injustice anywhere threatens justice everywhere, emphasizing the interconnectedness of all lives and the importance of recognizing and affirming the value of different lives. He concluded by stating that black lives, gay lives, trans lives, and straight lives matter, and the artwork effectively represented this sentiment. Mr. Clawson thanked the Council for the time to speak.

Hilary Sievers of 6186 Stockton Trail Way, Gahanna, OH spoke on the artwork.

Ms. Sievers began by acknowledging the council members, mayor, and attorney, and introduced herself as a proud mother, wife, business professional, coach, and neighbor. She expressed her reluctance to have to speak on this issue but felt compelled to do so, noting that it is not the first time she had been called to speak on matters of representation and diversity. Ms. Sievers emphasized the significance of representation and the power it holds in fostering a sense of belonging, equity, and embracing diverse perspectives. As a homosexual woman, she shared her personal experiences of facing challenges and the importance of understanding the impact of artistic portrayals on the lives of marginalized individuals. Ms. Sievers explained that her family chose Gahanna because they sought a community that valued diversity, inclusion, and belonging, and envisioned a brighter future for all regardless of their background or identity. She emphasized the importance of sharing unique stories to cultivate empathy, understanding, and a sense of belonging in the community. Ms. Sievers believed that collectively, as a community, they must lead the charge in embracing challenges and stepping out of their comfort zones to move forward. She highlighted the transformative impact of embracing inclusivity and equity in enabling individuals to thrive and emphasized the need for unity and commitment to these values. Ms. Sievers emphasized the role of each individual as an active agent for change, engaging in conversations that challenge and promote growth and understanding. As a mother and wife, she moved to Gahanna to be surrounded by unity and sees the community as a place to raise her children in an inclusive environment. Ms. Sievers concluded by emphasizing the strength of the community when united and called for embracing the unique tapestry of stories within the community. She expressed her support for the Resolution, urging the Council members to do the same, and thanked them for allowing her to address the issue.

C. RESOLUTIONS:

President Renner introduced the Resolution and read it by title. He acknowledged the City Attorney's request to speak at the beginning and mentioned the structure of his own comments. There was a need to amend some of the language in the Resolution. President Renner expressed the intention to initiate a discussion among the Council members. He indicated that he would need a first and a second pursuant to Robert's Rules of Order.

[RES-0016-2023](#)

A RESOLUTION ADOPTING THE ARTWORK FOR THE CREEKSIDE WATER WALL UNDERNEATH THE GRANVILLE STREET BRIDGE

Discussion on the main motion:

City Attorney Mularski clarified that his comments and advice were not specific to any individual issue but pertained to First Amendment cases and public display within the public forum. He highlighted the ongoing and contested nature of First Amendment cases, referencing recent cases in Bloomington, Indiana, and the Supreme Court. Mularski emphasized the importance of fact-specific considerations in each case and highlighted the differences between the Bloomington case and the current situation in Gahanna. He reiterated his previous recommendation that designating the artwork as government speech through a Resolution is the best protection for the City of Gahanna. Mularski clarified that designating the artwork as government speech does not guarantee immunity from potential lawsuits but is the recommended course of action. He introduced Jesse Shamp, the outside counsel who has been consulted on the matter, and suggested that Shamp can provide a better understanding of the necessary steps and address any unanswered questions. Mularski concluded by offering to turn the floor over to Mr. Shamp to provide an outline of the situation and what needed to be accomplished to protect the city, followed by a question-and-answer session.

Mr. Shamp expressed agreement with City Attorney Mularski's perspective on protecting the city from legal and unintended consequences. He provided an overview of the Government Speech Doctrine, referencing the City of Boston case regarding flag displays. When the government itself speaks, Shamp said viewpoint discrimination is permitted. The government has every right to have its own opinion and to broadcast that to the public. Shamp outlined the distinction between government speech and private expression when outside parties are invited to participate. When the government invites outside parties in to participate in the program, Shamp indicated this [situation] might be a good example of that, at that point it becomes difficult to know whether or not it is the government transmitting its own message or has the government created a forum for the expression of someone else's views. Shamp said in this case we would ask if it is government speech on the Creekside mural or is it the school children of Gahanna's speech through a mural on government property. Shamp explained *Shurtleff v. City of Boston* was a 9-0 Supreme Court decision last year, noting there was no ideological split. Boston had three flag poles outside of its City Hall. One was always the United States flag and the POW flag. The second was always the State of Massachusetts flag and the third was, most of the time, the City of Boston flag. Shamp added that for about a 12-year period, Boston had a program where someone could submit an application to fly their own flag in place of the City of Boston flag. He believed Boston had received over 240 requests for that and had never denied a request until a religious group asked to fly their

flag. He noted the city denied their request, claiming that to allow that flag to fly would violate The Establishment Clause. Boston had no written policy. As they described, it was more of a ministerial act of just approving it as the application came in. Shamp believed, more importantly, Boston had never denied a request to fly a flag before. This was the first time out of 240. The Supreme Court wrote three factors to decide whether or not something is government speech. Shamp said the City of Boston said their flagpole that typically has the City of Boston flag on it is government speech. The private group that wanted to fly a flag argued the City created a limited public forum and that the group had as much right to put a flag up as any other group. Shamp explained the three factors used to determine government speech: historical use of the medium to communicate state or city messages (in Gahanna's case, it would be has the public right-of-way been historically used for that), close identification of the medium with the government (could it reasonably be interpreted as conveying some message on the government's behalf), and direct editorial control by the government. Shamp offered to walk through additional cases that illustrate the application of the Government Speech Doctrine if desired. He reviewed, is the government purposely communicating a message of its own choosing. Shamp noted the importance of having a written policy with objective criteria, staff and counsel review, and community input for determining government speech. Shamp believed the proposed resolution before Council absolutely spoke for City Council through the vote of the elected members. However, it was unclear to Shamp, after his review of the other case law, if that would truly be considered government speech. He thought it was defensible but not bulletproof. He cited a case from the Second Circuit Court of Appeals involving a mural on city streets in New York City to demonstrate the application of the factors for government speech. The government of New York City said that they were going to put up a mural in the street. They were allowed to do that. Another group with an opposing viewpoint came to the federal district court and said if the government can do this, they want to do the opposite message. Shamp explained they denied it under that framework. The Court said that on the street the City of New York had historically used lane lines, street signs, traffic signals, etc. to communicate messages. It also pointed to a ban on graffiti on public property. No one could just come in there and do it. The people that have written on the streets are the government. As to the second factor, the court said that, yes, a reasonable person would believe that writing on the actual street itself would be endorsed by the government. Shamp said as to whether the government maintained direct editorial control in this case, the court said it did because it was the government's idea. Shamp emphasized the need to consider the potential implications of the city's decision on future groups with different viewpoints and messages. He said how we move

forward is going to determine how the City reacts to other groups with perhaps far more distasteful messages than whatever Council has heard tonight. He concluded by expressing readiness to answer questions and provide guidance on the matter.

President Renner noted he had just learned of changes needed as of the date of the special meeting. These changes were to correct some factual errors in the Resolution. The first was in the title. He said it was not called the "water wall" underneath the bridge. He proposed to strike the words "water wall" and replace it with "murals." He noted the title would read, "A Resolution Adopting the Artwork for the Creekside Murals Underneath the Granville Street Bridge." There were no objections from members to the changing of the title. Next, Renner said he was also told that the first "whereas" clause contained some errors. Because it was understood when Council met last week that the city had solicited the artwork, he said this turned out to be the schools as the ones that originated the idea. He proposed changing the first "whereas" to "the Gahanna Jefferson School District for the purpose of refreshing the murals underneath the Granville Street bridge at Creekside received permission from the Parks and Recreation Department of the City of Gahanna for a new mural designed by local students." He offered to reread the new "whereas."

Councilmember Angelou asked for clarification. Was this the second "whereas?"

President Renner clarified that he was on the first "whereas."

Councilmember Angelou thanked Renner. She added that it was not clear to her.

Vice President Weaver asked if Renner could read the change again.

President Renner reread the change, noting it as "the Gahanna Jefferson School District for the purpose of refreshing the murals underneath the Granville Street bridge at Creekside received permission from the Parks and Recreation Department of the City of Gahanna for a new mural designed by local students."

Councilmember Schnetzer suggested if that was factually what happened, it needed to be reflected in the resolution. He noted he was not party to this. He sought clarification on if that was what actually occurred.

President Renner said that is his understanding. He noted, however, that he had read a statement last week and no one had challenged it. He

found out today that that was not exactly what happened. He said that was fine and that the wording could be changed. He asked if anyone had a problem with this change. There were no objections. He proceeded to what he believed was the third "whereas" clause.

Councilmember Angelou asked if Renner could review and discuss the second "whereas."

Mayor Jadwin said she thought Renner meant the second "whereas."

President Renner confirmed he meant the second "whereas." He thanked both for bringing this to his attention. He noted that he had deleted the second "whereas" in its entirety. He said it was hard to see from his redline to the original, and agreed they were right. He confirmed the second "whereas" as the Resolution had been published is proposed to be deleted in its entirety.

Councilmember Angelou thanked Renner for the clarification.

President Renner asked if there were any other comments about the second "whereas" proposed for deletion. There were none. He moved on to the third "whereas."

Councilmember Bowers said she believed Renner meant to move on to the original fourth "whereas." This section stated "the artwork was completed and submitted by the students in response to the solicitation by a department within the City."

President Renner, upon further examination, agreed with Bowers. The original fourth is being changed to "the artwork was completed and submitted by the students for the murals underneath the Granville Street bridge."

Councilmember Schnetzer said that did not jog with the first one that the City said go ahead and they did not actively solicit.

President Renner said Schnetzer was exactly right and that he was changing it to saying "the artwork was completed and submitted by the students for the murals underneath the Granville Street bridge." In other words, the amendment here was deleting "in response to the solicitation by a department within the City."

Councilmember Angelou asked if this was number two.

President Renner responded this was the fourth "whereas."

Councilmember Angelou said they had the first one and then took the second one out, so that was no longer there. She said the Council had not talked about it.

President Renner responded that the current change with this “whereas” would be the third “whereas” [in an amended form].

Councilmember Angelou responded Council did not do the one that was the second one.

President Renner said the second “whereas” was deleted in its entirety.

Councilmember Angelou asked about the third one.

Councilmember Bowers said that is staying as written.

Councilmember Angelou said that would be number two now. Correct?

Councilmember Bowers said yes.

Councilmember Angelou added that the one just talked about was number three. Correct?

President Renner said that is correct. He thanked Angelou for keeping on track. Renner said he did not have any other changes to the “whereas” portions.

Councilmember Angelou asked Renner to repeat the changes.

President Renner started from the beginning. The first “whereas” was proposed to be read, “the Gahanna Jefferson School District for the purpose of refreshing the murals underneath the Granville Street bridge at Creekside received permission from the Parks and Recreation Department of the City of Gahanna for a new mural designed by local students.” The second “whereas” was proposed to be read, “the Gahanna Parks and Recreation Foundation, the Gahanna-Jefferson Education Foundation, and the Gahanna Area Arts Council had generously donated funds in support of the new murals.” The third “whereas” was proposed to be read, “the artwork was completed and submitted by the students for the murals underneath the Granville Street bridge. The fourth “whereas” was proposed to be read, “this Council appreciates the important partnership with our Gahanna-Jefferson School District and its teachers, staff, parents, and students. The fifth “whereas” was proposed to be read, “this Council further honors that

young people often see the world in ways that are different from adults while recognizing that youth perspectives are also not monolithic." The sixth "whereas" was proposed to be read, "this Council recognizes and respects that our community is made up of diverse voices, diverse perspectives, and diverse people and that there must be space in a democracy for that diversity to be respected and celebrated. The seventh "whereas" was proposed to be read, "while the students celebrated diversity in their vision, they still demonstrated a wanting of ONE Gahanna, a united people of compassion, respect, and solidarity to the greater good." Renner asked if there were any questions.

Councilmember Schnetzer noted the first few were factual and then observed the balance as more value statements.

President Renner agreed with Schnetzer's assessment.

Councilmember Schnetzer said assuming the factual portion is accurate, he does not have any suggestions for changes.

Councilmember Bowers said she echoed Mr. Schnetzer's sentiments. She added that the Council is relying on second, third, and fourth-hand information in order to determine what actually happened. She believed they have tried to piece it together as best as they can for purposes of moving forward with this Resolution.

Councilmember Angelou said she is not sure that five, six, and seven "whereas" clauses are needed. She characterized these as just "talk," adding that the others were giving information as to what was going to be happening. She expressed not feeling comfortable with that.

President Renner moved onto the enactment sections of the Resolution. He read section one as follows: "The Council of this City supports students and honors the way in which they see and have graphically represented our community." He proposed slight modifications to section two.

Councilmember Angelou asked that Mr. Renner please tweak the language.

President Renner said section two should be changed to read as follows: "That the artwork submitted by the students as the murals underneath the Granville Street bridge is accepted for display at Creekside as a depiction of perspectives of residents and consistent with government speech of elected representatives of Gahanna."

Councilmember Angelou said she had a problem with “the government speech of elected representatives of Gahanna.” She believed this was not necessarily true. She said there is government speech but she did not agree with this one. Could this be removed?

President Renner responded that this one is needed. He asked Attorney Mularski if this was necessary from a legal point of view.

Attorney Mularski said, yes, that is the crux of this.

President Renner thanked Mularski and asked members if there were any further questions or comments about section two. There were none. He moved to section three, where there were no changes proposed. He read the section aloud as follows: “This resolution shall be in full force and effect after passage by this Council and on date of signature of approval of the Mayor.” He asked if Council was fine with all the changes as proposed and called for a motion to amend.

A motion was made by Bowers, seconded by Weaver, that the Resolution be amended with all the proposed changes as offered by Renner.

Discussion on the Amendment:

Councilmember Schnetzer noted for the audience that this roll call was for the edits only.

President Renner confirmed this roll call would be purely for the edits in accordance with Robert’s Rules of Order and Council Rules of Procedure.

Councilmember Bowers said she made her point earlier about the factual information. She stated she is relying on the veracity of statements that had been conveyed to her.

President Renner restated the question before the Council regarding amendments to the Resolution and then asked for a roll call.

The motion carried by the following vote:

Yes: 7 - Angelou, Bowers, McGregor, Padova, Renner, Schnetzer and Weaver

A motion was made by Bowers, seconded by Padova, that the Resolution be Adopted as Amended.

Discussion on the Resolution as Amended:

Councilmember Schnetzer asked for either the City Attorney or outside

counsel to respond to if these revisions and what he interpreted as a more passive involvement by the City influenced the main crux of the issue as stated by City Attorney Mularski, noting section two where this Resolution is being adopted as government speech in order to reduce the risk as much as possible. Schnetzer said he believed Mr. Shamp's prior comments were "it is not bulletproof." Based on what they have heard, does that influence their legal opinion?

Attorney Mularski said he would start and [Mr. Shamp] could jump in if he missed anything. Mularski said all these are fact-specific. The more solid the facts are, the better chance this has of being deemed to be government speech. He added that just saying it is "government speech" in and of itself does not do that. He noted in the Bloomington case they found that putting the murals [on the street] was government speech; however, they said that historically they had done some things that ended up with an injunction granted against Bloomington, even though they found it to be government speech. Mularski reiterated that everything is very fact specific. Mularski stated that Council does weaken some of these by saying that the City did not solicit. He said that the City not having control does not help, but those are the facts. He said the City we did not give any guidance. It did not solicit these.

Mr. Shamp agreed with Mularski. Shamp said that the steps [Council] has taken tonight, having a public hearing, comments from a lot of people with a wide range of views, and now the pending vote on the question helps the case. Shamp asked if this is how he would want to draw up a policy for future cases. He responded the answer is unequivocally no but that is where Council is. The Council is trying to hear viewpoints. It is listening and considering them and now the Council will make a decision.

Councilmember Schnetzer followed up with Shamp's prior comments that in a perfect world there would be a written policy. In his legal opinion, did Shamp think it was too late to form a policy?

Mr. Shamp said no. However, he noted it was probably too late to get this done on the timeline that everybody wants it to get done. Doing one thing does not preclude the City from ever getting a policy in place.

Councilmember Angelou said we did not have a policy because the City never had to have one. There was never a reason to have one until now. She said if this is passed, and this stays with the way it is right now, does this then take the City to a place where anybody that comes up now will have to get it. She said that is something that she does not believe the City should have happening.

City Attorney Mularski commented on how he viewed the situation. If Council passed this, Council would be establishing a policy that says that if someone wanted to present something that can be deemed to be political or ideological speech, they need to come to Council and see if Council will endorse it as government speech.

Mr. Shamp agreed that would be correct until the City could get another policy in place.

Councilmember Schnetzer said he had further comments but was willing to hear the rest of the discussion. He clarified that because Council had made some changes to the Resolution, he wanted to know if that influenced outside counsel's opinion because he did not have that information prior to two minutes ago.

Councilmember Bowers thanked Mr. Shamp for updating the Council. She wanted to clarify some facts that she was aware of in this situation and make sure that everybody was on the same page. She referred to last week's meeting. Many in the room implicitly know that there is a history of student created murals on these walls at Creekside by GJPS in this exact location. She said there are 12 total murals, 10 of which are up right now. She thought there actually may be more than that, as there is one that wraps around a corner that is not reflected in a PDF that got circulated earlier today. Bowers noted that in the murals that exist there, the students have in the past often freely expressed themselves using words and imagery and have done so to reflect the diversity of the community. She said they have included religious symbols, positive representation of public safety services, and the other things that they find important. Bowers also mentioned that the murals broadly are consistent with prior resolutions Council had passed (Resolution 14-2022, Resolution 17-2021, Resolution 3-2023, Resolution 4-2022 and the Mayoral Proclamation 2021-20). Bowers noted the language that is represented, the speech that is reflected here, was not inconsistent. She hoped that would be taken into consideration should any outside or other entities seek to display art in a public location as demonstrated in the flag case with the City of Boston discussed tonight. She stated that precedent functions in the absence of written policy. Bowers said that while the City will be developing a policy to specifically address further placement, in this situation, we have decades of precedent and in her view this did not expose the City to undue risk. She said the two murals that had been held up for Council's consideration should join the 10 that exist [at Creekside] today.

Vice President Weaver expressed his frustration with getting to this point, that the issue was now before Council. He said he found it hard to

believe that the City had gone through several iterations of this historically without a policy and presented it to Council. He understood the Administration was aware just a week-and-a-half ago. He hoped that as the City worked to create a policy for moving forward, that subject matter experts would be involved, including the Arts Council, which he noted was present in Chambers. He stated these were folks who have done public art in not just Gahanna but in other communities with content management policies. Weaver stressed that he did not think this should have arrived at Council and that Council is being forced to take action on something that should have been dealt with years ago but had not been.

Mayor Jadwin requested an opportunity to comment.

President Renner asked that she address factual content.

Mayor Jadwin said she wanted to speak to the comment that was made about decades worth and how we got here. She said this was a rather unique situation. The artwork under the bridge began as depicting stormwater sewers and educating the community about that. It was in partnership with Parks & Recreation. She said they hired artists to come in and present pictures of trees and plants and birds to encourage the use of parks and trails. Jadwin stated this is uncharted territory, the reason the City is here. This was a new window for the City. Jadwin noted that, as had been stated tonight, this involves artwork that is potentially controversial. She observed there was a packed Chambers tonight as evidence of that fact. She said Council has heard divergent views. This issue has always been about the legalities of the City. She urged that once you cross over a certain threshold, it presents legal and constitutional challenges for the City. The goal was always to understand what the City was obligated and responsible for once it entered that portal. Jadwin noted that if this artwork goes up, as she heard Ms. Angelou say, does that mean we have to allow other artwork up? Jadwin said she is still not sure what the answer to that question is. She asked if Mr. Shamp could speak to that as well. Jadwin said the goal of this was to establish a policy in the best interests of Gahanna to protect the legal and financial interests because we do not want to subject the City to a lawsuit by doing something incorrectly. At the end of the day, city government should be about best practices. She emphasized that city governance should be about best practices. What this did is shine a light on the fact that we did not have a policy that we needed to have. Jadwin appreciated all the conversations and comments that were added tonight. She said it was never about students. It was never about the themes depicted in this but the lack of a policy.

Vice President Weaver thanked Mayor Jadwin. He said he did not think

his comments were in opposite of that.

Mayor Jadwin added she just wanted to clarify, as it was a full house [in Chambers] tonight.

Vice President Weaver said he understood. He stressed that his comments did not mention the content whatsoever. He shared that his larger issue was, and the question to Mr. Shamp which Weaver thought has been at least alluded to and Mr. Schnetzer had asked, by taking action on this particular Resolution in the absence of a future policy does create a bit of precedence. Weaver believed the City was not restricted from creating a policy moving forward to provide that guidance. As to what that policy looked like, Weaver believed the City can involve various community partners moving forward in shaping that.

Councilmember Angelou said she received a letter. She believed all members received the same letter. She said she would like to read it because she felt gave a little bit of information. She asked if it was ok for her to read it.

President Renner advised Angelou was treading into areas of having to start reading every letter. He asked if there was something factual that was coming from this letter.

Councilmember Angelou said the letter was well written. She has shared it with other people as well. She responded that if it was going to become a problem, that was fine and she could just say something right now. Angelou said she would really like to [read it], but if Renner thought it was something that should not be done, then she would not do it.

President Renner asked Angelou to please proceed.

Councilmember Angelou began by noting the city has a little less than 36,000 people. She said it is difficult when we have something like this. She said people make mistakes and that is a very difficult thing. Angelou recalled the meeting last week when she saw a teacher in the audience and she said to him the city had 36,000 people and what could happen. She thought perhaps those two [murals], noting she had not seen them, could go in the school and people still have the ability to be proud of what they had done. She thought this could be an option. Angelou went back to the letter, noting she felt so good about it and spoke with the writer for about an hour. Angelou said the writer was in the audience.

President Renner asked Angelou if there was something of substance in the letter.

Councilmember Angelou responded there was a lot of substance, that not all not all artwork is appropriate for all eyes. She asked members if they got the same letter from Brenda Jefferson. Angelou said it made her happy to read what Jefferson had relayed to her. She suggested perhaps she should forget about reading it if it was not wanted.

President Renner reiterated to Angelou to proceed if it contained something of substance that proved her point.

Councilmember Angelou read the correspondence from Brenda Jefferson:

I am writing to you this evening to share my deepest concern in regards to the artwork in the new mural that is to be displayed at Creekside in the coming weeks. Please know that I find it so wonderful that our city desires the involvement and contributions of our community's youth. What better way than to show the talent of some of our own than a mural at Creekside! However, there has to be stipulations to such artwork. As you know, not ALL artwork is appropriate for ALL eyes. Being that Creekside is a shared public space and trafficked by many, it would be a travesty for some to feel disinvited to the space due to the politically charged nature of this artwork. I understand that this is children's artwork, but frankly, it does not matter if the artwork was drawn by a toddler, a child, an adolescent, or an adult. If the content of the artwork is politically charged in any way then it will be inherently divisive. I'm sure this is the last thing you want for our community.

Councilmember Angelou said she was sure others felt the same way, too. She continued reading the letter:

I certainly understand the complexity of the situation. Having children of my own, it would definitely bring about hard feelings if the artwork is declined by the City. However, it is a common conversation in our household, that sometimes the hardest things in life are the RIGHT things in life. It is of the utmost importance that our community have spaces that welcomes ALL regardless of race, religion, socioeconomic status, sexual orientation, etc. and this means leaving these public spaces, like Creekside, free from any and all politically charged content. I appreciate your time and thank you for your thoughtful consideration of my sentiments.

Councilmember Angelou said she thought Jefferson's remarks were perfect and appreciated Jefferson for sharing it.

Councilmember Schnetzer said he begged the audience for their patience and understanding, as Council started this discussion a week ago. He thought at that point he had not personally seen the images until about 8:30 p.m. last Monday. As has been on full display here this evening, Schnetzer stated Council was learning the facts quite literally as they were going, and thus far it seemed that the issue is legal in nature. Schnetzer said one of the chief concerns as Council members is trying to reduce risks to the community. He remarked on the importance of understanding the litigious nature of the society that we live in. Schnetzer noted that last week the Council engaged in a very technical discussion surrounding some of the legal concerns over the permanent placement of political images on public property. As he is not a lawyer by trade, Schnetzer said he is relying on the input from the City Attorney with the help of outside legal counsel to assess those potential risks of litigation of such actions. Schnetzer concluded that it sounded like there were some risks. He stated that we live in a time where unfortunately society is very divided. Schnetzer thought it behooved this Council to endeavor to be a unifying force and can do so with the goal of reducing the risk of inflaming political passions amongst the community. He shared that unfortunately given the heightened division that currently exists, it seems probable that any permanent political images on public property risks inflaming those passions. Therefore, Schnetzer said it was unwise to knowingly undertake actions which risks splitting the community along political fault lines. Because of that, Schnetzer said he struggled to support legislation that would make permanent images depicting political speech into the government speech of the City of Gahanna.

Councilmember McGregor noted a lot of people brought up points about diversity. This is one of the great things she said she always tells people about Gahanna. Gahanna is one of the most diverse communities. McGregor shared she is very proud to be a part of this for 40 some years. She added that Creekside is a beautiful place that people love to go visit. There are so many things the artwork could, and in many cases it does, show. She explained it shows nature, businesses, the library, and the Gahanna lion. However, McGregor said political speech and symbols, in her mind, did not belong permanently in public spaces. If this was an art show along the path and students were displaying their own art, that would be fine. They have it there. People can enjoy it. People can walk by. But they take it back home with them. It is not there permanently. She countered that this will be permanently affixed to the bridge. As elected officials, McGregor said they were not permitted to put campaign signs anywhere in the public right-of-way or on public property. She did not see the difference in this. McGregor acknowledged these were created by students. She said most of the murals are beautiful. For the

panel being discussed, McGregor said it had the children all holding hands. That was a wonderful thing. McGregor concluded she thinks the symbols are what is the problem. The diversity part of it is great but the political speech part of it would not be a wise choice for Council to endorse.

Councilmember Padova thanked Councilmember Bowers and also President Renner for their work in crafting this Resolution so quickly and with as many facts as could be mustered. Padova shared that she was in strong support of this Resolution, as well as the proposed artwork. She shared she had heard stories over the last week, and during tonight's meeting, from teachers, parents, and former students who have participated in this mural or previous ones. It was Padova's firm belief that all of the murals combined would serve as a symbol of unity, inclusivity, and a source of pride for our diverse community. She said the proposed mural is an opportunity for Gahanna to show our neighboring communities that all are welcome here. By displaying these symbols of solidarity, Padova said we are showing that Gahanna stands with our black and LGBTQ neighbors. She stressed that we must not allow fear or desire for political safety to prevent us from taking a stand for what is right. She said we must remember that history has consistently shown that progress is made when we challenge norms and embrace diverse perspectives as a few have mentioned in one way or another tonight. Padova believed Council members were elected to move Gahanna forward. She declared her strong support of the Resolution.

Vice President Weaver said he shared many of the concerns that were raised. The Mayor indicated concerns regarding liability. In the conversation last week and this week, it was clear to Weaver that in the absence of a policy, denial of this particular project in any set, in part or in whole, opened the city up to liability. He said he did not have to get to the content because for him the analysis stopped there. Weaver said he will be supporting the Resolution from the point of protecting the City from liability. He said that was what he understood from counsel, both the City Attorney and outside counsel. He noted he would share his comments of support about these particular murals at a later time but again stressed his belief that Council did not need to get to that part of the analysis this evening.

President Renner said that despite his own beliefs, he has always tried to truly legislate and govern as a representative for all people. He added that in that vein, he constantly pushes himself to not only listen to all perspectives but also to understand he is a fallible human being. Renner said he was a servant of life and hoped to explain his reasoning on this issue. He shared he understood why some symbols may be

controversial. However, he shared that we live in a time that everything anyone says is either placed in one of two categories: in the end it is “us versus them.” He observed and lamented that there seemed to be no room any longer for middle ground. He said this drives all of us further as a community, as well as the very reasoning our founding fathers created this nation. Renner said this is purely children's art. He understood it to be well established that children see the world around them in very unique ways. They do not have the maturity of mind as adults. He noted that while we trained them, they could communicate to us. He pointed to asking any international observer where there is human suffering or war what was one of the things that they turn to for communication. It was children's art. Common themes in children's art are joy, compassion, beauty, unity, and solidarity. Renner said art is taught as yet another tool to learn how to express oneself and the freedom of expression is clear in the First Amendment. He thought it to be most unfortunate that there has been so much hype over things unseen. He believed that once the artwork in question is unveiled, most residents will both truly appreciate and understand the symbols and their proper context by children, not adults. The murals and their totality are simply children's vision of how they see their Gahanna, a village of people helping, loving, and caring for all identities. Renner said, in fact, there are many images of the American flag. There is a cross and other common political speech. Renner added he was also confused by the term “political speech” and whatever that may seem to mean. He reiterated that these are children's statements to us. There is no evidence that the symbols in question should be or could be translated in adult ways. He realized that some may have difficulty with this but urged adults to push themselves to understand the world from children's unique and innocent point of view. Interpretation is the intrinsic value of art. Personally, Renner would have the same interpretation of a child's art that contained elements that he as an adult would be offended by. He said he did not see the world of purely polarizing political tones. He has fought it from the dais and social media. He only sees and hears frustrations. Renner asked the people of Gahanna to at least consider the possibility that this is no more than what it is, a testament from children to see a new way. He concluded that as an adult, he truly respected and understood points made tonight and hoped for a conversation on them at another time. Renner stated he will be strongly supporting this Resolution.

Mr. Shamp asked for time to speak to just one brief clarification on something he heard.

President Renner said it must be very brief because the Council has finished its discussion and added that technically they should be voting at this point.

Mr. Shamp offered to make one clarification so that Council had the best legal advice. Shamp said that what the Council is saying going forward is that this Resolution is government speech. He said he thought what Councilmember Weaver said and perhaps mixed up was that the City would be liable if it denied this mural. Shamp said unequivocally that is not true because this is Council adopting the speech of the government. Council has the right to tell someone "no, you are not speaking for us as the city of Gahanna."

President Renner responded that he understood but that his statement still stands. He asked for a roll call on adoption of the Resolution as amended.

The motion carried by the following vote:

Yes: 4 - Bowers, Padova, Renner and Weaver

No: 3 - Angelou, McGregor and Schnetzer

Additional Discussion:

President Renner thanked everyone. He said he believed the City could now post the artwork and still make the ribbon cutting time. Was that still true?

Attorney Mularski asserted that all Council had done was make this government speech. Council had not said that the murals would go up. Mularski said that was the Administration's decision. Mularski said you cannot order the administration to do something.

President Renner responded that the Council could have that discussion at another time. He shared that he was simply asking if this could continue. Renner concluded that he thought Mularski had answered the question.

D. ADJOURNMENT:

With no further business before the Council, President Renner adjourned the meeting at 9:50 p.m.

Jeremy A. VanMeter
Clerk of Council

*APPROVED by the City Council - Special, this
day of 2023.*

Stephen A. Renner