



# City of Gahanna

Office of the Clerk of Council  
200 South Hamilton Road  
Gahanna, Ohio 43230

## Meeting Minutes Committee of the Whole

*Thomas R. Kneeland, Chair, Karen J. Angelou, Ryan P. Jolley, Brian D. Larick,  
Jamie Leeseberg, Stephen A. Renner, Michael Schnetzer*

*Kimberly McWilliams, CMC, Clerk of Council*

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Monday, July 28, 2014

7:00 PM

Council Committee Rooms

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**Present** 6 - Ryan P. Jolley, Thomas R. Kneeland, Brian D. Larick, Jamie Leeseberg, Michael Schnetzer, and Karen J. Angelou

**Absent** 1 - Stephen A. Renner

### **Additional Attendees:**

City Attorney Ewald, Jennifer Teal, Dottie Franey, Sue Wadley, Rory Gaydos, Tony Collins, Karl Wetherholt, Niel Jurist, Gen. Williams, Clerk McWilliams, Michael Blackford, Press.

### **PENDING LEGISLATION**

**ORD-0097-2014** TO AMEND CODE SECTION 148.12, FEES, OF CHAPTER 148, DEPARTMENT OF PLANNING AND DEVELOPMENT, AND TO REPEAL SECTION 1109.08(k), PARK FEE OF PUBLIC AREAS OF CHAPTER 1109, STANDARDS, OF THE CODIFIED ORDINANCES OF GAHANNA.

Kneeland called the meeting for Monday, July 28, 2014, to order; announced agenda change; adding Final Plat for Oak Grove; there will be no Development and Parks meeting.

Kneeland said first item is Ord-0097-2014; Parks' fees; repeal of a section and an update to fees; number of Council members asked for this to be placed on the agenda for discussion; open it to the floor for discussion; I think we need to add a date certain, effective date, to show when this piece of legislation does take effect; willing to entertain the date of passage as that date.

Jolley said in Park Fee Code Change, Chapter 148.12 Section A, fees, it says "the fee in effect on the date of receipt of any application shall be the fee charged"; what application are we referring to. Blackford said we have discussed when it would apply and to what projects; we have not defined applications; there is a series of applications in the building permit process; whether it is the first or last

application we have not determined yet.

Jolley said so this is the existing language of that section. Blackford said that is correct. Jolley said I would then ask City Attorney where this says "on the date of receipt of any application," how would we interpret that if an applicant has submitted various applications; how would we know when to charge fees; the effective date for this doesn't matter since it is the fee in effect on the date of what I believe would be the first application.

Ewald said yes. Jolley said the discussion then is moot since any existing projects have submitted at least one application and are subject to the fee in effect on the date of receipt of that application. Ewald said that is interpreted as the date for the first filing of the first application; it would be the date it is originally filed; if that is the date Council would want to take it from, the application date would be the minute the application is filed with the Development Department; that is prior to any Planning Commission or Zoning action.

Angelou said the 4 projects in the Development report would not be affected by this since they are already in process. Ewald said yes under that interpretation those projects are already in the pipeline and exempted from that fee. Angelou said to discuss these 4 particular projects looks as though it was to have them included in this new park fee; I could not support that; they have already said they want to do business in the City and are in process; this would come after the fact; not the correct way to encourage people to come to develop in our City; needs to be clarified.

Ewald said under the original Code there was a collection period for building fees; the intention was to move that collection date to the time of the occupancy permit request.

Blackford said that is correct; Section A is talking about the fees associated with staff costs; time spent on the applications for reviews, presentations; things like maps; the Park Fee is really a user fee; a different type of fee; staff was aware of this language; interpreting it to mean Development applications where this one is a use fee; we separated a Park fee from an Application fee.

Jolley said we really do need to clarify; in Section C the second paragraph says "such Park fees shall be established in the Development Fee Schedule set forth in Section 148.12"; more clarification is needed. Angelou said it now says "collected prior to the issuance of a Certificate of Occupancy." Jolley said it is not so much when collected but what the fee is; some projects in the pipeline for years, when would the fee be calculated.

Ewald said you are looking for a point in time reference.

Leeseberg said we need to do our due diligence; the fees need to be listed upfront so the developer can plan to cover all costs; moving

forward it would be published; this wasn't in place when these 4 started the process so we should not add fees after the fact; they already have their financing lined up; timing bothers me; I have no problem with the fee, just need to make sure they are aware of all fees.

Angelou said the 4 cited in the report are in progress; this should be for future developments.

Kneeland said this second sentence under Section C says "shall be as established"; that is the appropriate sentence to establish the timing; it is about identifying and establishing what those fees are; the collection is the second portion of that.

Ewald said makes sense; question what point in time does Council feel it would be appropriate to establish that time frame.

Collins said Jones and I have talked about that point; they have talked about communicating the fee schedule at the application stage but not collecting the Park impact fee until the occupancy permit; those 2 times are important because the actual number of units changes from the time of application to the time of occupancy due to adjustments; don't want to collect more or less money than you should up front if you wait to collect it at occupancy; this is for the future, not the 4 projects discussed.

Kneeland said now we don't give them any indication of what those fees are. Ewald said they actually do; at the time application is filed they are given a list of fees.

Leeseberg said Section 148.12 A says the fee shall be set at application; does not say fee per unit; says fee is set in effect on the date of receipt of the application shall be the fee charged, not per unit. Jolley said the fee in the schedule is per unit. Leeseberg said need to clean that up also. Larick said are you ok with that being written in the fee schedule. Leeseberg said as long as it is clear per unit.

Jolley said all members of Council appear concerned with the projects in the pipeline that were not aware of the fee when they started the process; can we say with certainty the way current Code is that these projects are not subject to the new fee as amended when this takes effect based on the language in that section; feel that is the only concern we all have.

Ewald said the legislation as it reads today would affect those without a qualifier in there; need to add a line to the legislation exempting anyone anywhere along the process; as of now there is no limitation; could say as of the Final Development Plan (FDP). Kneeland said add a line that says these fees would apply to any developments that have not passed their FDP as of a date certain.

Angelou said even if the FDP is not done, things are zoned; people

come here not knowing about this; suddenly they have the zoning but no FDP so they have to pay huge impact fees; they need to know upfront before they ever get started; I know this is a way to raise money; potentially this is a righteous fee but not on those that have already started; think it could be anti-development; it may stop development; we have 180 apartments on Hamilton Road that would see a fairly large impact; not that it shouldn't be in the future but needed to be done before that; they have already given park land.

Kneeland said knowing the intent and that this will go back on the agenda again, would it be appropriate for you to get with Development and come up with the language knowing the intent that is being discussed here.

Larick said historically how has this fee been assessed. Ewald said on platted residential subdivisions. Larick said has not been charged per unit. Collins said it has been charged per unit on apartments. Larick said how has it been charged.

Collins said I don't have details; this is a Development Department process; Fultz explained to us when this issue first came up that this is the way we do it; but the language is not correct; we need to correct the language; the fee is the same since 2008; \$500 is the fee since a market analysis at that time.

Larick said this fee has been assessed in the manner in which legislation is now to be written. Collins said yes. Larick said and the reason it is on the table is to correct a challenge to the existing language. Collins said that is my understanding; don't have the data. Angelou said could you get the data; what about a project like Creekside that was to be condos and has turned into apartments; are they paying impact fees.

Collins said I believe they did; would have to look at the number paid and if it was adjusted when it changed.

Larick said since it is coming back could we get that clarified.

Ewald said from a drafting stand point, is there a preference on the point in time; do you want it at the beginning of the application process. Larick said I am not clear; the discussion has been on a new fee versus correcting language of an existing fee to be written correctly; warrants additional discussion on what we are talking about and the implications of it.

Angelou said if it was 2008 and fees were low and being raised; why was it not addressed in Code at that time.

Ewald said the reason it was not addressed was late last year a challenge came in on the interpretation of this; when reviewed I believed the challenge was correct; fees were being applied to sections outside the section, residential platted subdivisions applied to

multi-family zoning outside of that classification; my interpretation was you can't use a standard definition within one section of zoning to apply to a separated zoning section for multi-family; therefore it didn't apply to that section.

Angelou said apartments built during this time paid that fee. Ewald said I do not know that. Angelou said we need that researched. Ewald said I do not believe Creekside was included in that per the Zoning Officer; I will double check on it.

Jolley said it could be in Section A where it talks about tax abated properties updated in 2009; maybe that is why Creekside didn't pay. Ewald said this fee may have been noticed upfront but issued during building permits.

Blackford said that is at the final step where you know the exact number of units; different kind of fee; not for processes but an impact fee.

Schnetzer said have heard discussion about putting fee in the Code; Park expenses will go up every year; would it make sense to put something in there about indexing the fee for inflation. Teal said the fee intent is for start up; Jolley read Code section says that the funds can't be used for operations and maintenance. Collins said our original intent was to review fees every few years and adjust costs.

Larick said is it common to separate legislative Code so the schedules are actually separate from the Code. Ewald said typically we put fees in a schedule and review it periodically to keep fees current for the market; that way the Code is clean and free from being adjusted more than you absolutely have to.

Angelou said do all fee changes have to be approved by Council. Ewald said absolutely. Angelou said we have not received any requests for changes since those approved in 2008. Collins said these fees have been subsequently placed on schedules. Angelou said we need to be diligent to make sure these schedules are done each year. Ewald said we are asking this Code section be referenced in that place on the fee schedule.

Kneeland said since we want this back to committee we can postpone to date certain on the August 4 Council consent agenda, then bring it back to committee on August 11.

Jolley said was not sure the consent agenda was the proper procedure for a motion to postpone; will check the rules and advise.

**Recommendation: Postpone to Date Certain and back to Committee of the Whole on August 11, 2014.**

**2014-0096**

Park Fee Information

See discussion under ORD-0097-2014.

**Recommendation: Back to Committee of the Whole on August 11, 2014.**

**ITEM-FROM DIRECTOR OF DEVELOPMENT**

**1. Final Plat for Oak Grove**

Kneeland said would like to bring Oak Grove Final Plat forward on this agenda since Renner is not here.

Blackford said this is a 13 lot subdivision off Stygler Road; it is 4.5 acres zoned single family; may have seen this as a variance request for a sidewalk that required Council approval; on July 9 Planning Commission recommended approval; they did not have any issues with the request; staff review has found it consistent with Code; has had approval through the Landscape Board; no questions.

McWilliams said the applicant is requesting emergency because of weather. Council did not support necessity for emergency.

**Recommendation: 1st Reading; no need to come back; 2nd reading, Consent.**

**2014-0097** Development Report

**2014-0098** Final Plat Application Supporting Documents

**ITEM - FROM DIRECTOR OF HUMAN RESOURCES**

**2014-0094** HR Supporting Docs

**1. Transfer Request**

Wadley said we are asking for Council to approve a Motion Resolution to transfer funds that are already appropriated; the funds are currently in the full time administration hourly fund; requesting they transfer to the contract services fund; this is in the Mayor's office; we are filling the administrative assistant position with a temporary and will use these funds to pay the weekly invoice.

**Recommendation: Motion Resolution, Consent Agenda.**

**ITEMS - FROM CLERK OF COUNCIL**

**2014-0095**      Liquor Permits

**1.      Transfer and New Liquor Permit - Springhill Suites Columbus Airport**

McWilliams said I am asking for Motion Resolutions, if Council has no objections; I have 2 hotels at the airport, one is Springhill Suites and the other is Towneplace Suites; transfer is a D5A to sell alcohol for a hotel with more than 50 rooms; the new one is to sell alcohol on Sunday; the Police Department has no issue with this.

**Recommendation: Motion Resolution, Consent Agenda.**

**2.      Transfer and New Liquor Permit - Towneplace Suites Columbus Airport**

See discussion under Transfer and New Liquor Permit-Springhill Suites.

**Recommendation: Motion Resolution, Consent Agenda.**

**Della Brandenberger, Reporting**