



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Committee of the Whole

Stephen A. Renner, Vice President, Chair

Brian Metzbower, President

Jamie Leeseberg

Karen J. Angelou

Brian D. Larick

Nancy R. McGregor

Michael Schnetzer

Krystal Gonchar, Deputy Clerk of Council

Monday, May 13, 2019

7:00 PM

Council Committee Room

CALL TO ORDER

Chair Renner called the meeting to order at 7:02 p.m.

- Representative from M/I Homes to discuss Hannah Park path

Renner stated that he reached out to Josh Barkan, Vice President of MI Homes to see if MI is still willing to talk and if there is the availability for an agreement, and invited MI to this meeting, MI was unable to attend the meeting, they drafted a letter to Renner who forwarded it to Council on this date, Renner stated he has two goals, one is to talk at a public meeting about having the connection from Hannah Park to Weldon, the other is to ask Council if they would entertain an agreement, the first step is Council needs to understand historically where we are today and if there is anyone on the administration side that can give Council a status with the actual connector to the park; Barr stated that in speaking with the Mayor, MI Homes was asked to restore the property, they had laid down a rock base in preparation for asphalt, they have picked up the rocks, seeded and laid down straw; Renner's understanding that it is approximately 30 yards of path built on the park side, when Renner talked to MI Homes and in their letter they thought they had an agreement of some sort to be able to walk on our property and build this path, Renner requested comments on that part; Mayor Kneeland stated that we do not have a signed document with MI Homes, whether there was an intent verbally to work through this to get to a place where we could present to Council, that is MI Homes' interpretation, there is nothing in writing that has been recorded and when we have people that want access to our property it takes more than just a wink and a handshake, whether they believed that or not there has been nothing signed and recorded; Renner said the intent was to discuss with the intent to bring the agreement forward to Council; Mayor Kneeland yes that was the intent; Renner stated Council hasn't seen the agreement; Ewald stated the document is an Easement Agreement; Renner stated in the letter MI Homes is willing to pay \$150,000 for an Easement for the 30 yards of path and they will redo the path and maintain it for life; Metzbower said a point of clarification, the Weldon Home Owners Association would be responsible for all future maintenance; Ewald stated that the Easement Agreement that was drafted and presented, the survey was completed at MI's expense, the documents were circulated; Ewald is not sure of the internal equitable distribution between the HOA and MI, the decision of maintenance will have to be made between MI and the HOA; Angelou stated the documents were not

distributed to Council and she is really disappointed that MI is not in attendance and hopes that they will attend next week, MI has been building in the area and our community for a long time and they should know better and they owe this Council an apology; Leeseberg stated that when all this came to light in July of 2018 he went to the Weldon model home and obtained the literature on the development, they have a map of Phase I and Phase II, on the map it shows a trail going to Hannah Park, Leeseberg believes MI wouldn't have printed the documents and told the people selling the houses unless they had some sort of agreement, Leeseberg understands it is not a signed agreement but believes MI thought they had an agreement, on March 21, 2018 Economic Development Director Anthony Jones wrote to Joe Gavin and after several emails back and forth said "I just spoke with the Mayor and he is fine getting a check to allow access for a walking path, I believe the amount that Kevin and I negotiated was \$150,000", Leeseberg shared that Kevin Zeppernick is no longer with MI, he originally brought the re-zoning to Council, Jones had been negotiating with Kevin before, during and after the annexation, the annexation did not happen, then in March Jones correspondence said "Yep, we will take \$150,000 for this thing", Leeseberg has e-mails from Jeff Barr saying "I will have one of my guys go out and walk the alignments so EMH&T can string the tape and clear the area, then we get asked if everybody is ok with this, after it has already been instructed, Leeseberg shared pictures of the fence being cut and the path being put in, Leeseberg said he can't believe that all of this happened with just a nod and a handshake; Jones said that subsequent to those conversations with Joe Gavin we indicated on several occasions that we needed an agreement signed before anything could be done, Jones stated Barr's e-mail to Mr. Gavin was Council needs to authorize before the document could be signed, Gavin repeatedly requested the agreement, by the time we got the agreement we found out the work had already been started, they were understanding that a document needed drafted, the City was drafting the agreement and then work was done prior to the agreement being approved by Council; Renner stated that the City's position is there had not been any contractual obligation; Jones stated MI knew the City had to have an executed agreement before the project could move forward, MI went on City property without any contractual agreement from the City that allowed the work to occur; Metzbower stated he is severely disappointed that a representative from MI is not present; Angelou stated this is an issue between MI and the City, she wants them invited to attend the meeting on May 28, 2018; Larick asked if in any of the e-mails there was ever a stop notice; Leeseberg shared that on March 21, 2018 Jones told MI that the Mayor is good with \$150,000, then on July 17, 2018 Mayor Kneeland e-mails Council asking what they think about a path; Renner replied you mean the one that is already been installed, many e-mails and pictures were sent back and forth, at that time Leeseberg went out and talked to the sales people and obtained the literature on the development, on July 19, 2018 the Mayor e-mails that staff is looking into the work that "appears to be done without permission", July 23, 2018 e-mail states the Mayor has told Barr to tell them to put it back, then there were e-mails requesting if any of the staff had any conversations with MI, Mayor replied "no", we are trying to find out what is going on, the stone remained on City property until just as recently as of April of this year; Larick does not understand how that is possible; the Mayor stated that Ewald was working with MI on negotiations; Ewald gave a synopsis, that after the issue became apparent one of the Jefferson Township Trustees reached out to him and asked if he would be willing to meet MI, Ewald met with the Trustee and MI, he explained the position of the City and discussed the options, they were to go back and review the options and come back with an additional review and offer to the City, when that was received in February 2019 Ewald forwarded it to the Mayor, and sometime between then and March administration had ordered them to put it back the way it was; the Mayor shared that we had been communicating that to MI since last year to restore it; Leeseberg asked "communicated" how; the Mayor communicated through

Barr who communicated verbally to his contact; Leeseberg shared he had done a records request for all the e-mails and there is no written record of that; the Mayor said this was done in good faith, once the annexation fell through he wanted staff to get a deal in place to present to Council, the Mayor doesn't know who at MI made the decision to go forward, it was not under the direction of the City, this was just like any other agreement where people will be accessing our property, you do the survey, you get the legal documents in place and all the different agreements ready, that is why staff was working with the city attorney for the easement, and they went ahead and put down the path, this is not something that staff articulated, encouraged or gave permission for MI to do, MI said the deal is still on the table, Mayor Kneeland is disappointed that MI is not in attendance to be able to answer for themselves, The Mayor is not sure where Leeseberg is going with that; Leeseberg said when the Mayor was asked on the 23rd about a potential deal or communication the Mayor denied it twice; Mayor Kneeland stated that at the time when he said that he didn't know; Leeseberg said on July 23, 2018, you was asked and answered twice that nobody on your staff knew about this and on March 21, 2018 four months before that Jones says he talked to you about this; Mayor Kneeland said he talked to him about the price not about them doing the work; Leeseberg said the question was whether any staff have had conversation with MI and how this could have possibly happened; Larick's concern is that the park has to be maintained, our responsibilities are to the citizens of Gahanna and the use of the park, it doesn't sit well with him for a singular payment to cover the on-going expenses of the park; McGregor would have liked to have known ahead of time that they wanted access to the park, before any negotiations took place; Jones shared that there was a path rendering on the pre-annexation agreement that went before Council; McGregor said the annexation was a whole different thing; Angelou stated that the trails are important to the entire region and requested to know where it connects to; multiple replies, Darling Rd, Havens Rd to Clark State Rd; Renner reiterated that a lot of things happened and someone overzealous has encroached on City property and has made a 30 yard path for a connector, the easement of which at some point we will have documents to look at, the value being offered by MI is \$150,000, Renner will reaffirm the invitation for MI to come, asked if Council is willing to consider the easement and the 30 yard path; Larick believes it shows poor form and bad faith in community involvement that MI is not in attendance; Larick wants to know what the annual payment is for; As Schnetzer reads it is the onetime transfer of funds for the right to an easement, in addition to that Council needs to take into consideration the ongoing wear and tear of the park, Schnetzer would be willing to consider a onetime transfer for the easement in addition to annual payments for access to cover the additional wear and tear of the park; Metzbower said that in one of Larick's responses he mentioned possibly a Joint Parks District, an annexation or JEDZ, are these worth some discussion; Larick said they have always been worth the discussion and those have always died but not by Gahanna; Renner wanted to know if there was to be more discussion; Schnetzer said he is a "no" unless there is a onetime transfer for the right and ongoing payments; Leeseberg sees the value of the connectivity to the park and all points south and north biking through the park does not add wear and tear to our park, dumping 60 homes into a park that taxpayers paid money for when Barr has shared that there is playground equipment that is twice it's useful life because we can't afford to replace it isn't responsible; Renner stated that the City just had an election and passed Issue 12 and that is what Issue 12 is all about, and for him to hear his colleagues say that well a 30 yard path we are going to close the door on that because we want compensation but yet they can get in a car and go to our parks today seems a little obscene; Leeseberg stated that this was done a year ago before Issue 29 was even on the ballot, they took it upon themselves to put it in and made promises to the residents that this is an amenity when you move here you can go and use the park, MI made the promise and many of the staff blessed it with no

approval or conversation with Council, this was before Issue 29 and Issue 12, it has nothing to do with that, it has to do with MI, EMH&T coming onto the City property staking the path and building it without permission and made promises to the residents, these are expensive houses, I believe MI can afford to make good on their promise to the residents, they lied to them and they lied to us; Angelou said that maybe this is a better way for their residents to enter the park, we need to get together with MI they owe us an apology, they need to pay for the Easement, and there has to be from the HOA, a certain amount of money every year to keep up the park; Renner said that over the years there have been many conversation regarding HOAs and our ability to collect, with that being said needs to be a back stop by the Township; Renner thanked everyone for their time and will invite to the next meeting.

Item from the Director of Public Service & Engineering:

Rob Priestas not present; for informational purposes.

[2019-0067](#)

Update from the Director of Public Service & Engineering.

Item from the Director of Planning & Development:

[ORD-0043-2019](#)

TO AUTHORIZE A COMMUNITY REINVESTMENT AREA AGREEMENT (CRA) WITH SUBURBAN STEEL SUPPLY CO. LLC, FOR A TAX ABATEMENT FOR A TWELVE YEAR PERIOD; FOR ONE HUNDRED PERCENT PROPERTY TAX ABATEMENT ON THE INCREASED VALUE OF THE PROPERTY; FOR PROPERTY LOCATED AT 1900 DEFFENBAUGH COURT; PARCEL ID NO. 025-013006; PART OF COMMUNITY REINVESTMENT AREA #1.

Jones is requesting a property Tax Abatement for Suburban Steel located at 1900 Deffenbaugh Court, they have been in Gahanna since 2003, and they are planning on constructing a 5300 sq. ft. warehouse addition to their facility, the tax abatement allows for a twelve year, one hundred percent property tax abatement; over the life of the agreement the city is estimated to receive \$510,826.00 from property taxes through the TIF and income taxes, the Eastgate TIF is expiring in ten years, it has been around for twenty years so far, the abatement goes beyond the expiration of the TIF term so that impacts some of the city revenue stream, the estimate is for the city to receive just over \$30,000 in TIF revenue during the incentive period, the base property evaluation going into the TIF is not impacted it remains the same only the new addition that will have the tax abatement, the majority of the property will continue paying into the TIF; Mark DeBellis, Owner of Suburban Steel explained that the additional square footage will allow them to expand their business in custom fabricating; Leeseberg stated the TIF is up in ten years and this abatement is for twelve years, can you explain; Jones stated that if the abatement is after

the TIF expiration, the actual impact is a lot less of an expense for the city, there are no other abatements with the property; Metzbower requested to know if there is still 100% reimbursement to the schools; Jones stated it is not 100%, it is a percentage of the income based on what they lost, this is not a significant expansion, the amount not going to the schools will be nominal; Schnetzer stated his understanding of tax abatements is that every dollar that is paid on property tax that .03 goes to the city; Jones said yes, the way the State has created tax abatements is that the city has the ability to abate taxes are not entitled to come to the City.

Recommendation: Regular Agenda.

Item from the Director of Human Resources:

[ORD-0044-2019](#) TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRATERNAL ORDER OF POLICE, CAPITAL CITY LODGE #9; AND TO DECLARE AN EMERGENCY.

Vollmer and Chief Spence are requesting to enter into an MOU with the Fraternal Order of Police Capital City Lodge #9 to adjust the Step 1 wage scale for Police Officers from \$22.86 to \$27.39 per hour, soon the Civil Service Commission will be announcing Civil Service testing process and at this time the City does not have a current eligibility list, the city's current starting rate is \$10,000 - \$15,000 lower than area which affects recruitment, requesting an Emergency so that it can take effect next week before the 2019 testing is announced to the public in order to maximize interest among qualified candidates; Larick asked how does Step 1 affect the further steps; the ongoing cost of the officer; Vollmer said it only affects Step 1 increase and it does have any effect on the other steps and will put the City competitive with the region; Larick wants to establish for the record that this isn't raising the entire baseline for the entire department just the entry level 18 month period in order to attract the highest level of officers; Vollmer stated yes.

Recommendation: Introduction, Waiver, Adoption as Emergency.

Item from the Director of Parks & Recreation:

[ORD-0045-2019](#) TO AMEND CHAPTER 945- WEEDS AND GRASS, OF TITLE FIVE- OTHER PUBLIC SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Barr is requesting an Ordinance to amend Chapter 945.01 and 945.03 Weeds and Grass, language to follow Ohio Revised Code noxious weeds; McGregor said item 945.01 d - definitions is totally subjective and has no value; Barr will remove 945.01 d.

Recommendation: Consent Agenda.

Items from the Council Office:

[ORD-0042-2019](#) TO AMEND PART ELEVEN, PLANNING AND ZONING CODE, CHAPTERS: 1105, 1108, 1131, 1133, 1153, 1169, 1177, 1181, AND

1193, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Gonchar stated in an attempt to modernize the process for Planning Commission Public Hearing Notices, she is requesting the following code changes for sections: 1105.03, 1108.04, 1131.03, 1133.02, 1169.02, 1177.05, 1181.07, Each of those sections reference Public Hearing Notices for Part 11- Planning and Zoning Code. The only changes made in each of those sections are changes to the Public Hearing Notices; Currently, code requires that a legal ad be posted in a newspaper of general circulation (Rocky Fork Enterprise or Columbus Dispatch). Code also requires that a letter be mailed to contiguous property owners. Unless you read the legal ad in the newspaper, or receive one of those letters, you are not likely aware of upcoming public hearings, we are proposing to publish notices on the city website, and take the extra steps to post on social media accounts, instead of submitting legal ads to the newspaper, there is a board outside of Council Chambers where Public Hearing Notices will be posted, Doing so will reach far more people, and in a more timely fashion and would not be restricted by newspaper deadlines, which slows down the entire process for our residents and businesses, as applicants; These changes will save the city money, In 2018, the Council Office spent nearly \$5,000 in legal ads for Planning Commission and the cost of legal ads just increased by 5% in April, this will not change the mailing of contiguous property owner letters, nor the timeline for posting notice, The notices will still be published either one or two weeks in advance, depending on the application type, The cities of Columbus and Worthington have this process in their code, These changes were favorably received at Planning Commission. Prior to that, they were reviewed by our legal team.

In addition the Planning & Zoning and Service & Engineering Departments are requesting changes to the following sections: 1153.03, 1153.05, 1165, 1193.

Blackford is requesting to amend Part Eleven, Planning and Zoning Code, Chapters 1153 to Community Commercial District add Recreation and to Community Service District add Recreation and Motion Picture; requesting to amend Chapter 1165 Signs, in regards to electronic signs, the proposal is to make the electronic signs be a Planning Commission application through a design review application, which currently it is not allowed and would require a variance, by changing to a design review it is a different set of criteria to review it for appropriateness, currently signage is an administrative approval, it is felt that process is not appropriate, by making it a public hearing Planning Commission can evaluate the sign, there are some safe guards that will limit the size, colors, type of scrolling and flashing of the sign; Planning Commission is in favor of the change; Blackford said that proposed changes to 1193 Stormwater Management Policy, currently the Director of Public Service can encourage Green Infrastructure but can't require it; a code change would, when deemed appropriate, be a requirement of the final development plan; some of the Green Infrastructure policies would be outlined; The second change is to Stormwater Runoff; there have been some issues with city related stormwater; there have been a lot of 50 and 100 year events and the infrastructure isn't as suitable as it used to be; requesting to increase the detention requirements; Leeseberg said in regards to the electronic signs and having a public hearing, what makes it differ from a Conditional Use; Blackford stated the Conditional Use would have a different standard for approval and typically has a longer advertising requirement, a design review is mainly focused on the aesthetics of the request; McGregor would like Chapter 1165 Signs separated out into its own Ordinance.

Gonchar stated that there should be a public hearing regarding the change to the public notice process; on June 3rd, we can have Public Hearing and second reading.

Recommendation: Regular Agenda/ Public Hearing.

[ORD-0047-2019](#) TO AMEND PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1165 OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Recommendation: Regular Agenda/ Public Hearing.

[ORD-0036-2019](#) TO AMEND PART ONE-ADMINISTRATIVE CODE, TITLE FIVE-ADMINISTRATIVE, CHAPTER 147- BOARD OF ZONING AND BUILDING APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Gonchar stated that BZBA is requesting to amend the code for appeals to BZBA; there was a Public Hearing at the last Council meeting; this was only brought back for discussion if there were additional questions from the Public Hearing; there were no questions from Council.

Item from the Director of Finance:

Bury stated she would like to discuss what to do next to ensure we are prepared to properly account for the new revenue since all of the new revenue is dedicated to specific activities, the 75% of the 1% increase dedicated to capital, the City already has a Capital Improvement Fund and there no need to create a new one, however, City Ord 133.09 - Capital Improvement Fund will require amendment to incorporate the same ballot language, the 25% of the 1% increase dedicated for public safety, public service and parks & recreation is more complicated, a decision needs made on how the 25% be used for those three different things, how does Council desire to account for funds and if we should account for the funds in during the annual appropriation process or if Council wants to establish percentages for each before we start receiving the funds, Bury suggest accounting for the funds as part of the annual appropriation process as the need for funding for each area may fluctuate from year to year, Bury request that Council think about how they want to account for the 25%, Renner asked when does the decision need made, Bury said that before we can do any type of supplemental appropriations these fund will have to be set up and in place, the new money will not start to be received until August, the other option would be one Special Revenue Fund with three individual departments. Either option will provide for appropriate accounting of the revenue dedicated to each and the associated expenditures. However, having a separate fund for each would allow for funding that may not be used in one year to flow over into the following year for the same purpose as fund balance is reported and tracked at the fund level not the department level, having all in the same fund with individual departments keeps the number of funds we have lower and the amount of unspent funds can still be calculated, however, the calculation will be performed outside of the accounting system and may become complicated after a number of years of receiving the new revenue, having the individual

funds will also show isolated reporting for each in our annual financial report in the supplemental section, this can provide more transparency about how much was allocated to each, what was spent and what is being carried over for future costs; Leeseberg asked if we put it into one fund and additional money is needed it can be added; Schnetzer states for the record that the funds are a one way street the revenue hitting those funds can only be used for those purposed, the general fund can always supplement but the revenue can't flow back out the other way; Angelou stated once the decision is made all the information needs put on the website, Bury would like this added to the next couple Committee meetings.

2019-0068

Update from the Director of Finance.

Bury stated she would like to discuss what to do next to ensure we are prepared to properly account for the new revenue since all of the new revenue is dedicated to specific activities, the 75% of the 1% increase dedicated to capital, the City already has a Capital Improvement Fund and there's no need to create a new one, however, City Ord 133.09 - Capital Improvement Fund will require amendment to incorporate the same ballot language, the 25% of the 1% increase dedicated for public safety, public service and parks & recreation is more complicated, a decision needs made on how the 25% be used for those three different things, how does Council desire to account for funds and if we should account for the funds during the annual appropriation process or if Council wants to establish percentages for each before we start receiving the funds, Bury suggested accounting for the funds as part of the annual appropriation process as the need for funding for each area may fluctuate from year to year; Bury requested that Council think about how they want to account for the 25%, Renner asked when does the decision need made, Bury said that before we can do any type of supplemental appropriations these fund will have to be set up and in place, the new money will not start to be received until August, the other option would be one Special Revenue Fund with three individual departments. Either option will provide for appropriate accounting of the revenue dedicated to each and the associated expenditures. However, having a separate fund for each would allow for funding that may not be used in one year to flow over into the following year for the same purpose as fund balance is reported and tracked at the fund level not the department level, having all in the same fund with individual departments keeps the number of funds we have lower and the amount of unspent funds can still be calculated, however, the calculation will be performed outside of the accounting system and may become complicated after a number of years of receiving the new revenue, having the individual funds will also show isolated reporting for each in our annual financial report in the supplemental section, this can provide more transparency about how much was allocated to each, what was spent and what is being carried over for future costs; Leeseberg asked if we put it into one fund and additional money is needed, can it be added; Schnetzer states for the record that the funds are a one way street, the revenue hitting those funds can only be used for those purposed, the general fund can always supplement but the revenue can't flow back out the other way; Angelou stated once the decision is made all the information needs put on the website, Bury would like this added to the next couple Committee meetings.

Item from the Mayor:

[MR-0017-2019](#)

A MOTION RESOLUTION TO EXTEND THE JUNE 1, 2019 DATE FOR DEFUNDING THE DIRECTOR OF PARKS & RECREATION, FORESTRY FOREMAN, AND ECONOMIC DEVELOPMENT MANAGER POSITIONS TO JULY 1, 2019 AND TO TRANSFER APPROPRIATIONS ACCORDINGLY.

Mayor Kneeland sent a memo to Council requesting a Motion Resolution based on Issue 12 passing and knowing that the June 1 dates are looming and deadlines that would terminate the Director of Parks & Recreation, Forestry Foreman and the Economic Development Manager positions due to the funding shortfalls prior to Issue 12 passing, it also highlights' some of the other areas where the City lost 22 staff members and the unclassified staff who had raises held; Bury stated there are only two committee meetings before June 1, 2019 and believes additional time is needed to prepare the revenue estimate and associated request for supplemental appropriations, we want to make sure we have a good plan moving forward, by extending those positions until July 1 that gives more time to bring a proposal forward in June, and due to so many staff leaving extending until July 1 will not require any additional funding, there are salary savings without getting into the General Fund; Schnetzer asked what the estimated expense from the salary savings from the time the positions were vacated until they are expected to be filled, Bury looked at the areas where the potential to have someone hired prior to 2020 for those positions, projecting out how part time is trending with the loss compared to the previous is approximately \$380,000 including fringe, to extend for an additional month would be approximately \$35,000 for the three positions mentioned.

Recommendation: Regular Agenda.

ADJOURNMENT.

At 8:58 p.m.