



# City of Gahanna

## Meeting Minutes

### Property Appeals Board

200 South Hamilton Road  
Gahanna, Ohio 43230

*Sarah Pollyea, Chair  
Jason Ruark, Vice Chair  
Monica Moran  
Elizabeth Smith  
William Sweeney*

*Jeremy A. VanMeter, Clerk of Council*

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Thursday, December 5, 2024

6:30 PM

City Hall, Council Chambers

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#### A. CALL TO ORDER: Pledge of Allegiance & Roll Call

*Property Appeals Board met in Regular Session on Thursday, December 5, 2024, in Council Chambers. Chair Sarah Pollyea called the meeting to order at 6:31 p.m. Vice Chair Jason Ruark led members in the Pledge of Allegiance. The agenda was published on November 29, 2024.*

**Present** 5 - Sarah Pollyea, Monica Moran, Jason Ruark, William Sweeney, and Elizabeth Smith

#### B. ADDITIONS OR CORRECTIONS TO THE AGENDA:

None.

#### C. APPROVAL OF MINUTES:

2024-0237 Property Appeals Board Minutes 1.18.2024

**A motion was made by Moran, seconded by Smith, that the Minutes be Approved. The motion carried by the following vote:**

**Yes:** 5 - Pollyea, Moran, Ruark, Sweeney and Smith

#### D. ADMINISTERING THE OATH:

City Attorney Priya Tamilarasan administered the Oath to all parties providing testimony during the meeting.

#### E. APPEALS - PUBLIC HEARINGS:

PAB-0001-2024 SIDEWALK MAINTENANCE PROGRAM APPEAL CODE SECTION 903.4 - 661 JUNIPER LANE, MIKE SMYNTek, APPELLANT; DEPARTMENT OF ENGINEERING, APPELLEE

Chair Pollyea opened the public hearing portion to determine an appeal, PAB-0001-2024, concerning the Sidewalk Maintenance Program under Code Section 903.4 for the property at 661 Juniper Lane. Mike Smyntek served as

the appellant, with the Department of Engineering as the appellee. Chair Pollyea outlined the procedure, allowing the appellant 15 minutes to present, followed by 15 minutes from the administration, with a 5-minute rebuttal permitted for each party.

#### **Presentation by Appellant: Mike Smyntek**

Mr. Smyntek expressed his appreciation for the City's efforts in maintaining sidewalks, as he regularly uses them while pushing a stroller with his children. However, he contested the need for repairs on Juniper Lane, asserting that the sidewalks in question appeared smooth and functional. He mentioned that he and his neighbors, including one who had already replaced a panel, were surprised by the notices.

Mr. Smyntek acknowledged one panel (Panel 6) that appeared weathered and might warrant replacement but argued that the others seemed unnecessary based on his personal observations and experience over four years. He compared the current condition of his sidewalk to recently repaired sidewalks on Mistletoe Lane, noting that some of those "fixed" panels appeared more uneven than his. He expressed confusion over replacing sidewalks he deemed in good condition and reiterated his perspective, concluding his presentation with gratitude for the Board's time.

#### **Presentation by Appellee: Director of Engineering, Tom Komlanc**

Director Tom Komlanc provided an overview of the City's sidewalk maintenance program and its compliance requirements under the Americans with Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG). He explained that the program aligns with the ADA transition plan mandated by the U.S. Department of Justice, requiring local governments to address accessible pedestrian routes.

Director Komlanc detailed the City's updates to sidewalk maintenance standards in 2023 and the introduction of a 50% cost-share program to alleviate financial burdens for residents. He emphasized that the City uses advanced technology, including a ULIP assessment tool, to conduct baseline assessments of sidewalks. This tool captures laser scans of the sidewalk network to identify defects per ADA guidelines, which classify vertical offsets over a quarter inch as trip hazards.

Referring to the appellant's property, Director Komlanc noted six defects identified by the ULIP tool. Engineering staff conducted a quality assurance review to verify these findings. He presented evidence for each panel:

Panel 1: Vertical offset exceeded the quarter-inch threshold, classifying it as a trip hazard. He explained that corrective action, such as shaving the panel, would ensure compliance with accessibility standards.

Panel 6: Exhibited spalling, vegetation, and weathering, warranting full replacement.

Panel 7: Displayed a minor vertical offset between panels 7 and 8, exceeding the ADA threshold of a quarter inch.

Panel 9: Exhibited similar vertical offsets and spalling.  
Panel 10: Showed spalling and a pronounced vertical offset between panels 9 and 10.  
Panel 11: Had a major vertical offset and pronounced spalling.

He concluded his presentation by inviting questions from the board.

**Rebuttal by Appellant: Mike Smyntek**

Mr. Smyntek reiterated his position, stating that the sidewalks felt smooth during his daily walks with a stroller. He pointed out that some evidence lacked a profile view to substantiate claims of vertical offsets. While conceding that Panel 6 might warrant replacement due to weathering, he maintained that the other panels did not pose noticeable issues during regular use. He described his experiences navigating the sidewalk with his children and asserted that no significant hazards existed. He concluded by thanking the board for their consideration.

**Rebuttal by Appellee: Director of Engineering, Tom Komlanc**

Director Komlanc declined to provide a rebuttal.

**Board Discussion:**

Chair Polleyea closed the public hearing portion of the meeting and opened the floor to the board for questions directed to either the appellant or the administration. The discussion commenced with questions from Ms. Smith.

Ms. Smith asked if all the offsets measured were greater than a quarter inch. Director Komlanc confirmed that all offsets exceeded the ADA requirement of a quarter inch. He explained that offsets between a quarter inch and three-quarters of an inch could be shaved to achieve a uniform height and transition between panels. However, when offsets exceed three-quarters of an inch, replacement is required, as shaving could compromise the structural integrity of the four-inch-thick sidewalk panels.

Ms. Smith inquired how many of the panels in question could be shaved versus replaced. Director Komlanc clarified that two panels were noted on the notice for minor offsets and would be eligible for grinding or shaving.

Ms. Smith also asked whether property owners were required to pay only half the cost of the repairs. Director Komlanc confirmed this, stating that property owners participating in the program would be assessed half the actual cost of the remedy. He explained that property owners could choose to pay the amount in full upon receiving the final cost notice or have the cost assessed on their property tax bill over a five-year period at 0% interest.

Finally, Ms. Smith asked if the City was bound by the estimated cost provided in the notice, which was approximately \$1,600. Director Komlanc stated that the estimate was based on 2024 sidewalk unit costs with an approximate 3-3.5% inflation adjustment. He added that the actual cost would be

determined through public bidding at the time of the project.

Ms. Moran asked about cost variation and vendor accountability. Director Komlanc explained that final costs are determined through public bidding and that contractors are responsible for correcting any material defects at their expense. He also confirmed that the City defaults to the lowest-cost option for the homeowner, such as shaving over replacement when applicable.

Mr. Sweeney asked about the timeline for repairs on nearby Mistletoe Lane. Director Komlanc stated that repairs were likely completed within the last two years.

Chair Pollyea asked about the use of laser scanning technology. Director Komlanc described how the technology efficiently identified defects, provided a baseline, and expedited project timelines. He confirmed that the photos presented during the hearing were actual images taken by staff during quality assurance checks, following identification by the laser scan.

Chair Pollyea confirmed with Director Komlanc that all but two panels at the appellant's property were recommended for replacement. She also clarified that the \$1,652 cost represented the full amount before the 50% reduction.

**Board Actions:**

Chair Pollyea explained the board's options for disposing of the appeal: 1) Find in favor of the appellant or appellee; 2) Find in favor with modifications; or 3) Remand with instructions for further consideration. The Chair called for a motion to proceed with one of the three options.

Moved by Smith to Find in Favor of the Appellee. Seconded by Sweeney.

**Discussion on the motion:**

Ms. Smith expressed her support for the appellee, citing the City's obligation to comply with ADA requirements under federal law. She emphasized that this compliance is not discretionary but mandated by legal standards.

Mr. Ruark stated that while the issues with the panels may seem minimal, adhering to the established standards is necessary to avoid broader issues with other residents. He confirmed his intent to vote in favor of the appellee.

Ms. Moran thanked the appellant for engaging in the appeals process, highlighting the importance of residents holding the City accountable. She noted that the board serves to ensure fairness and transparency in City decisions.

Chair Pollyea concurred with her colleagues, affirming her vote in favor of the appellee. She emphasized the significance of upholding City statutes and federal law, stating that compliance with these standards is paramount.

**A motion was made by Smith, seconded by Sweeney, that the Appeal - PAB-0001-2024 be Found in Favor of Appellee. The motion carried by the**

following vote:

Yes: 5 - Pollyea, Moran, Ruark, Sweeney and Smith

**F. UNFINISHED BUSINESS:**

None.

**G. NEW BUSINESS:**

None.

**H. POLL MEMBERS FOR COMMENT:**

Ms. Smith reiterated her thanks to the appellant for coming forward, emphasizing the importance of resident participation in the appeals process.

Mr. Ruark expressed his appreciation to the appellant for his time and involvement.

Ms. Moran also thanked the appellant.

Mr. Sweeney echoed the sentiments of his colleagues.

Chair Pollyea concurred with the board members' statements, emphasizing the value of the appellant's engagement in the process. She thanked the appellant and concluded with no additional comments.

**I. ADJOURNMENT:**

*With no further business before the Property Appeals Board, the Chair adjourned the meeting at 7:07 p.m.*

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Jeremy A. VanMeter  
Clerk of Council

*APPROVED by the Property Appeals Board, this  
day of 2025.*

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Sarah Pollyea