



# City of Gahanna

200 South Hamilton Road  
Gahanna, Ohio 43230

## Meeting Minutes Committee of the Whole

*Brian D. Larick, Chair*  
*Stephen A. Renner, Brian Metzbower*  
*Nancy R. McGregor, Karen J. Angelou*  
*Michael Schnetzer, Jamie Leeseberg*

*Kimberly Banning, CMC, Clerk of Council*

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Monday, May 23, 2016

7:00 PM

Council Committee Rooms

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### CALL TO ORDER

Chair Larick called the meeting to order at 7:00 p.m.

ADDITIONAL ATTENDEES: Shane Ewald, Mayor Tom Kneeland, Amanda Parker, Rob Priestas, Dottie Franey, Diana Redman, Jennifer Teal, Troy Euton, Chief Dennis Murphy, Ken Shepherd, Anthony Jones, Jeannie Hoffman, Rory Gaydos.

**Present** 7 - Stephen A. Renner, Brian Metzbower, Brian D. Larick, Nancy R. McGregor, Karen J. Angelou, Michael Schnetzer, and Jamie Leeseberg

### UPDATES FROM THE FIRE DEPARTMENTS

1. **Mifflin Township**

Not present

2. **Jefferson Township - No report.**

Not present

### PENDING LEGISLATION

1. **City Attorney**

[ORD-0046-2016](#) TO AMEND PART ONE, ADMINISTRATIVE CODE CHAPTER 143, DEPARTMENT OF LAW, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Ewald said there were two requests to bring this back; this is part of the process to make adjustments for actual departmental needs; recognized shortfalls in this section; Angelou requested this be postponed; having to do with it being called a full-time position; thinks

this would be 8-5; an elected official is typically on-call; the duties are the thing that drive the positions presence; does not believe you need to put in part-time or full-time into the language; depends on how long it takes for someone; the duties drive the position; the full-time language takes away in the future for someone else running; McGregor said this is not the right time to make the change; it was part-time when it was up for election last fall; the fact that our attorney works more than part-time it is commendable but not necessary to change at this time; the workload has not increased significantly in the last 5 months; to change the status mid-term is not wise; could open us up to lawsuits we do not want to incur; our City Administrator said there is no requirement to pay health benefits at this time but that may change; paying benefits would be an increase that is not aloud; our attorney said he would not ask for such benefits, but none of us know what can happen; the next person may indeed want and need benefits; also questioned how this impacts OPERS; would like to know in writing from OPERS how this would impact the retirement for the position; a greater benefit to compensation is now allowed; unwise to make the change now; Larick asked what the pleasure of Council is for this item; Angelou said would like full-time taken out; Metzbower said would be a move to strike that paragraph; Larick confirmed that this would be an amendment to change procedurally; Leeseberg said the attorney recommended this change and our elected attorney said he is working full-time; we should be electing city attorneys who want to run for the position and know what they are getting into; other cities have part-time and full-time and that has impacted their ability to fill the position; including full-time will not discourage anyone; encourage someone to go into this with their eyes wide open; Metzbower said the original ordinance establishing this part-time was established in the 80's; was a smaller City in the 80's; around 18,000; McGregor questioned whether there are more lawsuits now than in the 80s; just saying this is the wrong time to change this; the people elected a part-time attorney; to change it mid-stream is a bad strategy; Ewald said if you look at the qualifications in the Charter it does not say what the qualification is; says that in code; if you have an election in 3 years, this is the perfect time to do this; this is not political; just a straight-forward evaluation of the department and the needs; there is no increase in pay; checked with Finance; OPERS is based on the percentage of income; Bury confirmed; Ewald said there is no increase in OPERS; technically now eligible for benefits because he is working more than part-time hours; Larick asked the responsibility if someone ends up working more than part-time; Teal said elected officials are not covered under the affordable care act; we can opt but they are not mandated; things about the affordable care act have changed but at this point we do not believe we have a requirement due to the elected official status; Ewald said the mayor is covered, the attorney is not; Leeseberg said the code is in place to spell this out

because it is easiest to change; times may change in the future and we may come back to reduce this; hearing from our attorney that this is a full-time position; Mayor Kneeland said we are doing a lot of clean-up and we have had a busy 5 months; does not see it letting up; whether the position is full-time or part-time; we need someone with the expertise in that area; especially with the increase in development and parks, as you will see tonight with the contracts; Larick asked if the demands require 40+ hours a week; Mayor Kneeland confirmed, said if we have to seek outside counsel, we will have to do that; Angelou said the duties state that; could be that it is 10 hours a week or 50 hours a week; the duties need completed; we all know what it takes to do that job; Ewald said we know what the expectations are, but the people who will run in 3.5 years, may not know; nor are they bound to work those hours if they are under a different perspective; Renner said Angelou is making a good point; anyone can walk away with an idea of what these duties mean; we must send a clear signal to everyone as to what type of city attorney we are expecting as a City to run for office; does not want anyone thinking they can do this on the side; not our expectation that this is done on the side; want a city attorney that is very mindful about our City 24/7; this was brought forward in an alignment of what our administration is doing; if we do not move forward we will be out of line from what we are doing; Ewald said does not believe it would be fair to candidates; don't want to change this right before an election; if you have a part-time position that is really a wrench in the mechanism it will slow everyone down; don't believe the intensity will let up with administration; each department has something running through his office before it reaches the Mayor; the requirements that are needed on a daily basis, this is not a part-time position; owe that to the people who will run for this in the future; don't believe we would leave a job description blank when it comes to part-time or full-time because they want to be aware of what they are applying for; it is an elected position and on-call 24/7; is absolutely a full-time position; Renner said there has been some concern brought up previously about cost increase; if you look at cities we are compared to; they have budgets for legal advice that is double what the City of Gahanna has budgeted; we are getting a bargain with the city attorney; McGregor said understands the comments; this is an elected position and the person was elected as a part-time position; if we did this in 2019 before the next election; it would be the time to also change this; changing the title will not change anything that is or is not being done; Ewald said current code states part-time; Schnetzer said the language says commencing date; could we make the date change at the time of the next election; Angelou said to confirm Ewald said the job has not changed, the duties are the same; the workload comes in flows; Ewald said there is a level of intensity; intensity over the last few months has been significant compared to the last 4 years; many changes are creating additional needs; Leeseberg said we have

seen cooperative agreements for the 911 dispatchers; talking about how to share the duties and resources with other municipalities, with the schools, and more; it is the world we live in; will have more and more contracts being brought forward; Larick asked how we handle the attorney preparing bonds and contracts; but we also have outside counsel for bonds; how we deal with those items of expertise; Ewald said if we rely on outside counsel, bond counsel does that and the fee is within the bonds themselves; review the language before it goes to the Mayor; Teal said bond counsel may make a different point; TIF counsel may be better; Larick said specialized counsel; asked if it is an internal lack of expertise and we just proactively go out; Ewald said it depends on the process and if we have done it in the past; does it from a risk perspective; may draft internal contract and then have reviewed; not all contracts go out; if it is something specialized like TIFs, we want the latest and greatest; is why attorneys specialize; worth the money for them to look at for an hour or two; Larick said the language states the city attorney approves bonds; asked if that is in conflict; Ewald said is approved to form; Teal said that is a requirement of our bonds that we have counsel, does not believe it conflicts; Mayor Kneeland said past history has lead to a lot of specialized and outside attorneys without review by our city attorney; told all directors we only go through outside counsel if approved by the city attorney; which has created a lot more work for the city attorney; Renner and Leeseberg said liked Schnetzer's comments; Ewald said would change it to January 2019; the year prior; McGregor said would rather see 2020; Schnetzer said we are advertising this to potential candidates; Leeseberg said he is okay with these changes; Larick confirmed the amendment is to change the effective date to January 2020.

**RECOMMENDATION: Amend by Substitution; Consent Agenda**

## 2. Director of Finance

[ORD-0047-2016](#) TO AUTHORIZE THE DIRECTOR OF FINANCE TO ESTABLISH A NEW COURT COMPUTERIZATION FUND FOR THE PURPOSE OF DEPOSITING CASH PROCEEDS FROM CASES HEARD IN THE MUNICIPAL MAYOR'S COURT.

Bury said nothing has changed; Larick asked about if extra funds are left they would be for a new court facility; asked if there is work toward this; Mayor Kneeland said possibly looking to kick off a facility study; Larick confirmed administration is believing there will be a new court facility in the future; Mayor Kneeland confirmed.

**RECOMMENDATION: Consent Agenda**

## 3. Director of Development

[ORD-0053-2016](#) TO ACCEPT THE DEVELOPMENT PLAN FOR THE JUNKERMANN PROPERTY TO ALLOW COLUMBIA GAS OF OHIO TO ESTABLISH A NEW TRAINING CENTER COMPLEX AND TO AUTHORIZE THE MAYOR TO EXECUTE THE REQUIRED DOCUMENTS TO SATISFY THE JUNKERMANN DEVELOPMENT AGREEMENT; AND TO DECLARE AN EMERGENCY.

Jones said there are 4 agreements being considered; our attorney has identified a need to modify; there are some changes; intent is still to have the sale; an additional step and a modification to the required agreements; Ewald said during the process we worked with the underwriters; they asked that it either be vacated and the City will not receive funding or it be given to the CIC; through that process we were able to modify the agreement to the CIC; they will handle the real-estate transaction; the CIC agreed to take this on at their last meeting; at this point, we find the CIC preferable; essentially the same agreement that was presented to Council; McGregor asked where the funds will go; Ewald said that is up to Council and the CIC; Mayor Kneeland said good point; this might be a good time for Council to take some action to put into CIC for future development use; very small piece of property; Larick confirmed this is the \$15K; possible for fiber; McGregor said if CIC handles the sale, they get the sale; asked if there is a mechanism to get the money back to the City; the fiber work, CIC has been active to getting people onto the lateral and fiber network; can be up to \$10K; funds will be available for another user; also for further economic development into the City; Mayor Kneeland said we are at 65 meetings with businesses; have identified 5 projects that are not on the radar for conduit and fiber; would be a wise move on our part; if the sale occurs they will transfer it back in some fashion; Angelou asked if there is fiber on this property; Mayor Kneeland said it is close; Columbia Gas will not need it; Schnetzer added that the CIC is an agent of the City; \$15K is not that much in the grand scheme of things.

**RECOMMENDATION: Amend by Substitution; Consent Agenda**

## **ITEM FROM THE DIRECTOR OF PARKS & RECREATION**

### **1. Wine Guy Service Proposal**

[ORD-0055-2016](#) TO AUTHORIZE THE MAYOR TO ENTER INTO A PERCENTAGE LEASE AGREEMENT WITH PEACEWAR, INC. DBA THE WINE GUY FOR THE USE OF THE PERGOLA IMMEDIATELY NORTH OF AND ADJACENT TO THE WINE GUY RESTAURANT AT CREEKSIDE.

Euton said there were several questions at the last Committee meeting; have the owner of the Wine Guy here to answer any questions; can pull this back for certain events hosted by the City to utilize the pergola; there was concern about the pergola and the planters looking too much like the Wine Guy and not welcoming to the residents; talked with the owner today to make modifications to the ropes and planters to make it not look like a separate patio; worked with legal to make sure we are in line for liquor permits; the idea of the entertainment district; how will this be impacted; believes it is something we need to talk through; originally this was brought forward with a 5 year lease; was taken back to a 3 year base; talking to Mr. Shaffer the base agreement timing was based on his investment to the space; the agreement can be modified and changed; Larick thanked the owner for the service and his business in the area; have looked at the Olde Gahanna area; an entertainment district ties into that; if we can find a way to promote his enterprise and be prepared for a way to change structure in that window; will still take a legislative process; if we have the ability and desire would like the structure to be in a way to do that; Leeseberg said part of the term was to offset the costs of the improvements; not as permanent, asked if it impacted his term; asked what the benefit to the City is; Shaffer said it is his intention to do what he believes Council is trying to do; promoting a business, entertainment atmosphere; the idea that they are entertaining the idea of an entertainment district is good news; it mitigates the expense; would achieve what he is trying to achieve in the first place; would help all businesses in that area; would be more than willing to talk about an out-clause if that legislation were to pass; the cost is from the equipment, employees, etc. to have that service; in the food service business there is a rule of thumb on how much you can make on an investment; understands Council does not want the planters to match The Wine Guy too much and deter the public from sitting in that area; passed around a rendering showing retractable pieces; would not leave their stuff in the evening; Larick asked about the footprint between the pergola and the business; asked if it will be walk path; Shaffer said his intention is to section off that area with planters; would likely remove those so staff can easily move back and forth; McGregor asked if someone is sitting on the patio and they want to move to the pergola, if they can; Shaffer said they can as long as it is allowed by the liquor control; needs to be monitored; Larick asked if signage would be added; Shaffer said would put simple hooks on the posts in the pergola and the signage could be removed in the evening; Mayor Kneeland asked Ewald if the entertainment district law allows us to make this change, would this eliminate all these additional restrictions; Ewald said depending on the level of restrictions and the law changes; it could; depends on how it is drafted and presented; McGregor said the entertainment district stated you needed at least 4 facilities; asked if it could go across to Signatures; Ewald confirmed;

Shaffer said the more space given, the more money that can be made; Metzbower asked if anyone else has expressed this interested; Shaffer said not that he is aware; would be open to sharing; Barrel and Boar just moved into the area; Larick asked when language can be prepared; Ewald said we have the basis now; believes it can be complete by the end of the week; McGregor confirmed someone with a Wendy's bag could still be sitting there; Shaffer said that is his intention; Angelou asked if they will pay outside or inside; Shaffer said outside, it will be separate to track what the City is paid; Larick asked if there is going to be established hours; Shaffer said would start with the patio and as the summer wears on, will determine at that point; will be about 2 weeks from the okay to move forward to get the bar out there; Larick said Regular Agenda.

**RECOMMENDATION: Amend by Substitution; Regular Agenda**

## **ITEMS FROM THE DIRECTOR OF INFORMATION TECHNOLOGY**

### **1. Optical Fiber Use Agreement - Gahanna-Jefferson Public School District**

[ORD-0060-2016](#) TO AUTHORIZE THE MAYOR TO SIGN AN AMENDED OPTICAL FIBER USE AGREEMENT WITH GAHANNA-JEFFERSON PUBLIC SCHOOL DISTRICT FOR INDEFEASIBLE RIGHT OF USE (IRU); AND TO DECLARE AN EMERGENCY.

Gaydos said this is an amendment to an agreement we currently have; we are requesting additional fiber strands are allocated; this request came from the school district; will go to Blacklick Elementary; this is the final school; we have partnered with the Director of IT for Gahanna Jefferson School District; he is here to answer any questions; Larick said the build-out does not go out past the City; Gaydos said we worked with the City of Columbus in late 2014; we provided them access for the traffic signal and then they provided us access to some of their fibers; Larick asked if this is for a strand or bandwidth; Gaydos said strands; no impacts to our City from his perspective; cannot think of a better use than to partner with the schools; McGregor asked if there is a problem running it out of the City; Mayor Kneeland said it is the City of Columbus fiber; goes up to Reynoldsburg-New-Albany; Jeff Collett excited for this opportunity; thanked the City of Gahanna for having this in place; we are looking to add additional lateral; waiting on cross connect costs; hope to have this in one year; appreciates the opportunity; Collett asked for extradition; our students last day is tomorrow; would hope to accommodate their time off; McGregor asked the timeframe; Collett said will work with multiple carriers; will put us mid to late July;

**RECOMMENDATION: Emergency - Consent Agenda**

## 2. Columbus Fibernet LLC Contract

[ORD-0061-2016](#) TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH COLUMBUS FIBERNET, LLC FOR THE EXPANSION OF GAHANNA'S FIBER OPTIC NETWORK INFRASTRUCTURE ALONG MORSE ROAD FROM STELTZER ROAD TO JOHNSTOWN ROAD.

Gaydos said this is the expansion of our network; discussed that earlier this evening as well; this folds into a fiber integrity analysis; had written by a third party in late 2015; they outlined how we can harden and expand our network; the opportunity came before us; this expansion is on the southern side of Morse Road from Stelzer to US-62; very large expansion; we are essentially getting twice the amount of fiber and conduit for half the cost; \$343K is the amount we are at; initial plan was from Hamilton Road to Stelzer Road; they offered us to pay them over a period of 3 years at no additional cost; we would have immediate access; for this first year, funds have already been appropriated; this has been run through the Fiber Committee; have all agreed this is a good avenue to pursue; Angelou asked how this will be used; Gaydos said another connection to the Columbus Fiber Network (CFN); provides a path for WOW our current internet ISP; also provides a secondary carrier for someone who may want to come in; also have the potential for economic growth; getting closer to New Albany; also closer to Westerville; this is an expensive project initially; we are extending outside our borders; we piggy-backed on; Mayor Kneeland said will bring the diversity and redundancy that we lack right now; this was part of the plan to build these pieces; cannot believe we are being offered this at this rate; it goes under 270 and if we had to do that on our own, we likely wouldn't be able to offer this; Angelou confirmed we can offer this to new businesses; Mayor Kneeland said this will bring more validity to those that currently use it and those that will become more likely to use it; Angelou asked how this fit into the million dollar network; Mayor Kneeland said will benefit that opportunity as it will provide a high level of redundancy; will create additional capacity; Angelou asked if this will impact residential at this point; Mayor Kneeland said not at this point but yes from the economic development standpoint;

**RECOMMENDATION: Consent Agenda**

### ITEM FROM THE CITY ATTORNEY

#### 1. Mutual Release

[ORD-0062-2016](#) TO AUTHORIZE THE MAYOR TO ENTER INTO A MUTUAL RELEASE OF ALL CLAIMS; TO APPROPRIATE FUNDS



THEREFOR.

Ewald said this project; Park Crossing; has taken 8-9 years; brought last year for preliminary discussion; outstanding issues; the process is muddy; went from one company to a different company in auction; built 180 units on that site; originally this was purchased to create a barrier of 7-8 acres of Gahanna Heights; also to alleviate flooding issues; wanted to make sure we resolved that; entered into agreement to purchase that land; unfortunately for the owner it was a short trip; caught a lot of developers by surprise and it sat vacant for many years; now developed into multi-tenant project; almost complete minus landscaping; asking for mutual release because several disputes have arose over a period of time; the original owner was to use material left on the site; we had a right of entry but did not have the calculation to remove material; an agent of the developer removed a good number of trees; permits and fees that applied to the process, there was several disagreements as to what was owed and what would be paid; have been working to come to an agreement; wanted to resolve this without lengthy litigation; there was an agreement by the City to allow a slope that was gradual into park space so there was not flooding into the hill; have worked with the Parks Department to identify the trees that were removed; asked for compensation; they have agreed; provided a plan to replace; will work with our City arborist to replant these trees; we have reached a point we can sign a mutual release and move forward; Schnetzer said section 3, would transfer funds; we would compensate the developer for \$99K; Ewald said yes, that is the ask; trees are probably \$20-\$30K; Schnetzer asked for more color on how we came up with that figure; asked if this is the right thing to do even trying to avoid litigation; does not feel right; needs to get comfortable with how we came up with that number; Ewald said we can provide that; the length and depth of documents the developer has kept, believes there is a liability; McGregor confirmed this is a different company; Ewald said it is a limited company that he believes include some of the same individuals; Angelou asked who negotiated; Ewald said himself; believe given the law firm he interacted with, will extend much beyond what we are looking at here.

**RECOMMENDATION: Held in Committee**

## **ITEMS FROM THE CLERK OF COUNCIL**

### **1. Landscape Board - Kevin Dengel**

[MR-0029-2016](#) MOTION RESOLUTION TO APPOINT KEVIN DENGEL TO THE LANDSCAPE BOARD FOR THE REMAINDER OF A 3 YEAR TERM

THAT STARTS IMMEDIATELY.

Banning said these are to fill unexpired terms for the Parks & Recreation Board and the Landscape Board; one person moved out of the City in March; one person resigned and moved to the other board.

**RECOMMENDATION: Consent Agenda**

**2. Parks & Recreation Board Appointment - Sarah Mill**

[MR-0028-2016](#) MOTION RESOLUTION TO APPOINT SARAH MILL TO THE PARKS & RECREATION BOARD FOR THE REMAINDER OF A 3 YEAR TERM THAT STARTS IMMEDIATELY.

See discussion under MR-0029-2016

**RECOMMENDATION: Consent Agenda**

**REPORTS NO ACTION - FOR REFERENCE ONLY**

[2016-0182](#) Parks Report to Council

**ADJOURNMENT**

8:31 p.m.

**Kayla Holbrook, Reporting.**