



City of Gahanna

Meeting Minutes

Committee of the Whole

200 South Hamilton Road
Gahanna, Ohio 43230

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

Krystal Gonchar, MPA, Clerk of Council

Monday, June 14, 2021

7:00 PM

Virtual Meeting

Meeting Call-in Details: Tel- (513) 306-4583, Conf. ID- 218 517 738#

A. CALL TO ORDER

Chair and Vice President of Council Nancy McGregor called the meeting to order at 7:00 p.m.

B. ITEM FROM CIVIL SERVICE:

1. [ORD-0039-2021](#) AN ORDINANCE TO AMEND THE CIVIL SERVICE RULES & REGULATIONS AS RECOMMENDED BY THE CIVIL SERVICE COMMISSION ON JUNE 8, 2021; WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY.

Director of Administrative Services, Miranda Vollmer stated that she and Chief Spence are requesting to amend the Civil Service rules. The Civil Service Commission made a recommendation to Council to approve the rule change in Rule 13; police officer section. The request is to add section 13.13 for lateral police officer appointments. The language allows the City to accept applications from full-time police officers with arrest powers certified in any state within the United States with no break in service for two years at the time of application without taking a Civil Service exam as outlined in Rule 13. Those lateral candidates must meet the criteria in 13.01, which is the acceptance of application and section 13.09, which are removals from the eligible list and then lateral candidates must be approved by the Director of Public Safety prior to appointment.

Chief Spence stated that at this time there is about 12 applicants in the applicant pool. This is the smallest applicant pool that we have had. Normally there are around 150 to 200 applicants test; there were less than 30 applicants that went through the testing process; and once

through the background process it is a very small amount of applicants. The Department is facing critical staffing shortages due to unexpected vacancies. We have spoken in the past about how long it takes for the hiring process; from the time applications are accepted, through the background process, the Training Academy then field training it is about 18 months. Other agencies in Central Ohio have made use of the lateral transfer option which brings in seasoned police officers to the ranks. It provides a lot of opportunity and eliminates some risks. If somebody were to not make it through the Basic Training Academy which is 7 months long that's a significant investment in City dollars. This will allow the City to attract some veteran officers with a lot of qualifications and skill that will benefit the City.

Angelou asked if an officer has 10 years of experience from another place do they have to go through the 18 month process or do you automatically bring them in at the rate they were at the other place. Chief stated if they were certified with the State of Ohio they would enter directly into the field training program. They would come in with that experience but they would not in terms of seniority, they would be an entry level officer. If they come from out of State there is detailed process, there is an audit that occurs by the Ohio Peace Officer Training Commission.

**Recommended for Introduction, Waiver, Adoption as Emergency, Consent
Agenda June 21, 2021.**

C. DISCUSSION ITEM FROM THE DIRECTOR OF ECONOMIC DEVELOPMENT:

1. Update on the Crescent at Central Park.

Director of Development, Nathan Strum stated he has draft legislation he will bring forward to Council on June 28, 2021. Strum will be available to review and answer any questions Council might have regarding the tax increment financing or TIF document as well as the New Communities Authority (NCA). There are a couple different nuances with the document that Council needs to be aware of, most importantly when he brings the document forward on June 28, 2021 it starts a public comment period and public hearing process. We are required to have a separate public meeting prior to the Council formally acknowledging or reviewing the document as a public body.

Ohio Revised Code allows for certain appointments to the NCA. The City is allotted four appointments, the developer is allotted three appointments. Legal Council for the developer requested how are those appointments going to be distributed to the City. Strum believes the cleanest way to handle it would be two (2) appointments by Administration and two (2) appointments by Council; just to make sure all

interest are covered and all appearances are equal. But the City does have full say over how those appointments are managed. We can prescribe to the OSC process which are more designated roles. Mayor, President of Council, Director of Development, Director of Engineering. It does allow for that discretion by the body. Once Council votes on the NCA itself within 10 days the NCA is adopted by the State of Ohio and the Board has to be ready to go.

Strum said in regards to the tax increment financing; he is working on the finalization of the draft language and will send to Mularski for review. There is a deadline in the development agreement that it has to be fully approved and executed by August 16, 2021.

Renner thanked Strum for the heads up and said that June 28, 2021 is a Committee meeting. Strum said he will bring it forward to the Committee meeting, it can be done anytime at a public meeting. It just depends on when they want to file it. Strum has targeted the end of the month to begin the formal process. The public hearing has to happen between the 30th and 45th day of the Notice of Filing.

McGregor asked when you say it has to be approved and effective, does that mean it has to go as an emergency, it has to go 30 days after the signing. Strum stated that it needs to be approve and executed and filed with any parties that needs to be filed per the Development Agreement. Mayor Jadwin stated that the effective date had to do with the donation of the land and the Buckles south track that then would impact infrastructure.

D. ITEMS FROM PUBLIC SERVICE & ENGINEERING:

1. Discussion Item from the Director of Public Service & Engineering: Update on trash and recycling operations.

Director of Public Service and Engineering, Grant Crawford updated Council on the refuse collection delays the City is experiencing. The delays are caused by work force shortages locally and nationally. The labor shortage has been compounded by some updated regulations at the state level which restrict the number of hours a driver can be on the road. Also, there has been an increase in collections due to the pandemic. Staff is in constant communications with Rumpke; and are working very closely to reduce the delays. Rumpke has been offering a variety of incentives in order to get drivers. Rumpke has seen a steady increase in candidates. They have taken steps immediately to address the shortage and lack of workforce. There were no delays last week or this week.

2. [ORD-0033-2021](#) AN ORDINANCE TO AMEND PART FIVE, GENERAL OFFENSES CODE, CHAPTER 521, HEALTH, SAFETY, AND SANITATION, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Mayor Jadwin shared that the Sidewalk Program is a significant program for our City. It's important for our residents to hear what already been considered and evaluated to get us to this point and to be able to respond to Council questions and also to take into account the questions that have been raised. This has to do with the Americans with Disabilities Act (ADA) and state law. Under the ADA we are required to comply and have access to our facilities, meetings, curb ramps or sidewalks. Under Ohio State law and Ohio Revised Code sidewalk maintenance is the homeowners responsibility. We have to make sure those sidewalks are being maintained in compliance with the ADA. In April Council adopted the ADA transition Plan; part of the plan said as we would make sure that our facilities and operations were operating in compliance and we would adopt a sidewalk maintenance program. On May 24, 2021 a proposed sidewalk code was brought forward. This project has been in the works for almost two (2) years and has been spearheaded by the City Engineer, John Moorehead. A significant amount of time has been devoted to evaluating standards, evaluating assessments and evaluating street trees and the impact on street trees and the financial ramifications for the City. The sidewalk maintenance program is an affordability tool for our residents. Under state law it is a homeowners responsibility to maintain the sidewalk. With great appreciation to the passing of Issue 12 we can front this program and help residents to fix sidewalks that may need to be repaired; and then allow residents an opportunity to repay that back over a period of time. There were some questions brought up at and since the last meeting.

Moorehead shared that at the last meeting all four of the ordinances were advanced for first reading and this is the follow up to the first committee meeting for further discussion of these ordinance and then moving into potential second reading. There was some feedback over the last few weeks, for clarification one was related to the standard or the design standards for the new sidewalk and whether or not this program would be building new sidewalk where it doesn't exist today. This program is a maintenance program for already existing sidewalks throughout the city, just sidewalks, not paths. Another question received was regarding the program area itself and what does that constitute and what does that mean for people inside and outside of the program area. The program area is recommended by the administration and presented and adopted annually by Council and only within that area the sidewalk program would be effective. Outside of that area the same maintenance criteria do apply and the property owner is responsible for maintaining the sidewalks.

Moorehead stated one of the ordinances tonight is updating the criteria for maintenance to be consistent between the sidewalk program and code enforcement activities elsewhere. The other question about the program area was whether or not a property that is outside of a program area that has been adopted can be brought into the program after the program is underway; the answer is no. One of the reasons is that the legislative action to create the sidewalk program includes a resolution of necessity and an adoption of the program area. Those action steps proceed each other and set a course for the eventual replacement and repair of sidewalk. There are some legal ramifications to moving in and out of the sidewalk maintenance criteria areas.

City Attorney Mularski stated that he was asked about if there was money leftover after a section is completed; can we just use the money to expand the program during that year. Legally, you can to an extent, but it has to be fair and equal to everyone. By the time we get to the point where we know where the money is, you have to set up some sort of mechanism in which everyone has a fair and equal chance to apply for that money. As long as you can divide off certain and we pick a section to be the primary section as long as everyone within that area is treated the same that satisfies the legal requirement. Once we step out of that area then everyone in the entire city has to be treated exactly the same. So technically it could be done, however the enormity of being able to do that throughout the whole city is where we were faltering.

Moorehead stated that ORD-0033-2021 is to amend Chapter 521.06; this is an update to the existing code. The purpose is to get a comprehensive list of sidewalk standards effective so that code enforcement activities outside of a sidewalk program can have the same standards in place of what we are proposing for the Sidewalk Program. We are recommending that this ordinance proceed to a second reading.

See discussion on ORD-0038-2021 this ordinance will not move forward.

Held in Committee

3. [ORD-0034-2021](#) AN ORDINANCE TO AMEND PART NINE, STREETS AND PUBLIC SERVICES CODE, CHAPTER 903, SIDEWALK CONSTRUCTION, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Moorehead stated this is an update to the construction standards for sidewalks within the city. This section describes how new walk is constructed or existing walk is repaired and the update here is to reference the public right-of-way accessibility guidelines or Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) which is stemming from the City's ADA transition plan. This document describes

how sidewalks within public right-of-away can be maintained in ways that consider the challenges of working within limited property rights. There are restrictions there that might prevent you from meeting the full extent of federal code for sidewalks. Staff recommends that this ordinance proceed to a second reading. The new sidewalk program code will refer to this section, but it stands alone in city code as something that we want to have regardless of a sidewalk program.

Renner asked if PROWAG was available on the City's website that the specifications can be looked at or will they be on the website soon? Moorehead said they are not on the City website but are available through the Federal Right-Of-Way Access Board; we can add a link to it.

McGregor asked if this ordinance would provide the standards you were to follow if you were replacing your sidewalk? Moorehead state that yes, it provides the reference material for fixing or building a sidewalk in the city.

Bowers stated she is looking at the access [dashboard.gov/prowag](https://www.dashboard.gov/prowag) website and the only item is a proposed PROWAG; what is the actual adopted PROWAG? Moorehead stated that the PROWAG standards have been proposed for nearly a decade; and they are effectively the standards in which they can be adopted. Staff had a discussion with members of the Federal Highway Administration about the standards, they do recommend that communities adopt them and use them in their current edition, as they have been drafted. They have been saying for many years that they were going to be adopted and finalized; it just has not occurred. The proposed version of the document has not changed. This is the reference that is really the most modern and effective tool for looking at ADA accessibility within public rights-of-way. Bowers is concerned for the sake of clarity, are we adopting PROWAG. Bowers wants to make sure this is easy for people to understand and implement. Mayor Jadwin stated that the City is adopting the PROWAG standards. Moorehead said that adding a link to PROWAG on the website and some description to what it is and explain that as you follow the link it will be listed as proposed and that it is the current effective addition of PROWAG. It is recommended by federal authorities that this is the reference material for this application. Bowers asked if language could be added to 903.01; that the City of Gahanna adopts the proposed PROWAG. Bowers asked in regards to the last line of the statute: repairs to existing sidewalk shall be approved by the director or designee; what is that approval process. Moorehead said that any work in the public right-of-way requires a right-of-way permit, which is administered through the Public Service Director's Office and is a free permit. The application list their name, address , what they are doing

and their contractor. Bowers said as a communication to residents; maybe something like repairs to existing sidewalks will be approved by the director or designee and in conformity with the, reference the permitting process. Mayor Jadwin stated that she is presuming there are other sections in code in Chapter 900 that deal with the permitting requirements. If it is to be modified the Mayor suggest maybe it says pursuant to the appropriate section. Bowers believes that would help. Moorehead said there is a comprehensive right-if-way section in code currently and it does describe the permitting needs. Staff have discussed FAQ documents, as a guidance for residents to maybe understand some common methods for sidewalk maintenance and maybe understand other things they might not know about sidewalk maintenance that would be beneficial. As we go forward with this program communications to our residents are going to be critical. Mayor Jadwin said that the City Communications Team has been part of all the discussions on the sidewalk program and the ADA transition plan. Once this is adopted there would be comprehensive communication sent out to all of the residents.

Angelou asked if there was a difference with the type of product and standard that's used between the sidewalks that have grass and the driveway walk. Moorehead said that normal sidewalk concrete is 4" thick, the sidewalk across the driveway is 6" thick. Angelou asked if it was common for people to know. Moorehead said it was not and the contractor should know. There is a resource that we provide from the City of Columbus that shows the difference through a driveway.

Recommended for Second Reading as amended, on Regular Agenda June 21, 2021.

4. [ORD-0035-2021](#) AN ORDINANCE TO AMEND PART NINE, STREETS AND PUBLIC SERVICES CODE, CHAPTER 913, LANDSCAPING REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Parks & Recreation Director Stephania Ferrell explained that the changes that were previously brought forward in May are specific to referencing sidewalks and multi use paths as well as replacing the injurious list to be referenced in the Comprehensive Landscape Plan. The penalty section of 913.99 needs to be clarified to remove any of the discrepancies within the sidewalk program. Residents would not be required to replace street trees as part of the sidewalk program. Residents can replace the street tree if they desire and would follow the guidance of the Comprehensive Landscape Plan in order to do that. Ferrell would like to take Chapter 913 back to the Landscape Board to discuss and amend; and remove any of those discrepancies and clear up any confusion.

Renner asked if someone doesn't want a tree will there be a process for that. Ferrell said that in the sidewalk program residents will not be required to plant a tree back in the right-of-way. Chapter 913 as it states now can cause some confusion; it currently states residents are required to plant in the right-of-way.

5. [ORD-0038-2021](#) AN ORDINANCE TO AMEND BY REPEALING AND REPLACING PART FIVE, GENERAL OFFENSES CODE, CHAPTER 521, HEALTH, SAFETY, AND SANITATION, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Moorehead stated that ORD-0038-2021 is to repeal and replace Section 521.06. This is the draft proposed code that would go forward and create the Sidewalk Maintenance Program in the City. It is a five step sort of process that is spelled out within this code; establishing a program area, passing a resolution of necessity, permission to bid a sidewalk program, an award of a contract to make the sidewalk repairs and the special assessments to pass the cost of the sidewalk repairs with the City paid back by the residents over this five year 0% interest period. The code here is spelling out those processes through the various sections and detailing the different steps and communications that the City is going to provide to the residents within those areas. It provides important definitions for what will be occurring within the area itself and then the legal framework for the City to proceed with this Sidewalk Maintenance Program on an ongoing basis.

Moorehead stated that for clarification ORD-0033-2021 and ORD-0038-2021 duplicates of each other, we want to make sure that we take action on ORD-0038-2021 rather than ORD-0033-2021.

McGregor stated that we were doing ORD-0033-2021 in case ORD-0038-2021 took longer to adopt. So if we are going to adopt ORD-0038-2021 then we can't do ORD-0033-2021. Moorehead said that was correct.

Recommended for Second Reading, on Consent Agenda June 21, 2021.

E. ITEM FROM THE MAYOR:

1. [ORD-0040-2021](#) AN ORDINANCE TO AMEND PART FIVE, GENERAL OFFENSES CODE, CHAPTER 521, HEALTH, SAFETY, AND SANITATION, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; TO PROHIBIT THE DISTRIBUTION OF UNSOLICITED WRITTEN MATERIALS.

Mayor Jadwin stated this proposed ordinance would address the issue of unwanted and unsolicited print materials that are often found in

sidewalks, driveways, lawns and wherever they can be thrown. Other municipalities were researched for perspective code language that might be able to address the issue. This ordinance would make it unlawful for an individual or an organization to distribute, place, or deliver unsolicited written materials to a premise, unless it is placed in one of several different locations or methods. Something could be left on a porch, a door hanger, between the storm door and front door. Materials distributed door to door is acceptable to be distributed. It has to be one of those designated placed proposed and outlined within this ordinance. It would be punishable by a fine of up to \$150 per violation. Mayor Jadwin thanked City Attorney Mularski for his assistance on the research and for assistance from Council members Renner and Bowers.

Renner thanked the Mayor for responding to the resident. McGregor also really appreciates the ordinance coming forward.

**Recommended for Introduction/ First Reading on June 21, 2021/Consent
Agenda July 6, 2021.**

F. ITEMS FROM COUNCIL:

1. [RES-0016-2021](#) RESOLUTION CONCERNING SERVICES TO PROPERTY PROPOSED FOR ANNEXATION: 1.465+/- ACRES IN MIFFLIN TOWNSHIP (Johnny Torres-Guzman & Amelia Sifuentes-Torres, PID #191-003163, Codet Road) TO THE CITY OF GAHANNA, AND CITY BUFFER REQUIREMENTS AS REQUIRED IN OHIO REVISED CODE 709.023.

Emanuel Torres and Johnny Torres were present at the meeting. Emanuel Torres spoke on behalf of the family. The Torres family is a resident of Gahanna at 730 Codet Road. They are requesting a Resolution for services to property proposed for annexation: 1.465 acres in Mifflin Township, owned by Johnny Torres-Guzman and Amelia Sifuentes-Torres, PD #191-003163 to the City of Gahanna, and City buffer requirements as required in Ohio Revised Code 709.023. The Torres would like to build a single family home for their daughter.

McGregor asked if this parcel is separate from the parcel that the J. Torres home is on. E. Torres stated that is correct, this parcel is in Mifflin Twp and the other parcel is in Gahanna 025 taxing jurisdiction. Pre I-270 Codet road went further west. There is a portion of the right-of-way that is within Gahanna City limits, that right-of-way end about halfway through the length of his parents property and then from that point which is about 70-80' going west. A portion is still within Mifflin Township and they have recently successfully vacated that and the County Auditor's records show that portion of the right-of-way also added and combined to the main

parcel in question.

Recommended for Adoption, Consent Agenda June 21, 2021.

2. [RES-0014-2021](#) RESOLUTION TO DESIGNATE JUNE 2021 AS BRAIN AND ALZHEIMER'S AWARENESS MONTH.

Bowers stated that RES-0014-2021 is to designate June 2021 as Brain and Alzheimer's Awareness Month. The resolution is designed to help raise awareness of the issue.

Recommended for Adoption, Consent Agenda June 21, 2021.

3. [RES-0015-2021](#) RESOLUTION IN SUPPORT OF PASSENGER RAIL EXPANSION IN THE CENTRAL OHIO REGION.

Bowers stated that RES-0015-2021 is in support of Passenger Rail Expansion in the Central Ohio Region. This initiative is being spearheaded by All Aboard Ohio and MORPC and the resolution was a collaboration between the two. Bowers noticed that a word is missing in the first line "except Kentucky", if the Resolution goes forward it will need to be amended. Bowers stated there is a lot of excitement around expanded infrastructure and particularly around expanded rail services and how important it would be to the economy and the economic development of our region. Bowers believes Gahanna is particularly well poised and well situated given its proximity to the airport and I-70 and I-270. Bowers feels this is something that Council would want to address as a body to show support.

Mayor Jadwin thanked Councilwoman Bowers for bringing this forward. Amtrak was in town a few months ago and MORPC submitted a packet of letters in support from 22 municipalities in support of passenger rail service. It is a tremendous initiative and MORPC Seat Chair Angelou can speak on it as well.

Angelou stated that she wrote a letter of support with Director Murdock from MORPC. There are some other opportunities through Bright Line and Hyperloop. There may be other options. This is well fitted for us. Angelou thanked Mayor Jadwin for writing the letter of support.

Bowers thanked Mayor Jadwin for sending everyone the information. This is a great way for our Council and our Administration to stand in alignment on this really important economic development issue.

McGregor stated she would be voting against this Resolution. She is not in favor of passenger rail; feels it doesn't have a place in this area. There

are places where it's very effective. She doesn't see it as a viable way to move people. A plane from here to Chicago takes an hour, Pittsburgh is 49 minutes. It is going to be very expensive and hasn't been around for many years for a reason. This is just her opinion. This needs to be on the regular agenda.

Recommended for Adoption as amended, Regular Agenda June 21, 2021.

4. [RES-0017-2021](#) RESOLUTION COMMEMORATING LGBTQ PRIDE MONTH, FOR THE MONTH OF JUNE 2021.

Bowers stated that this Resolution is commemorating LGBTQ Pride Month for the month of June 2021. She understands that maybe not all her colleagues are going to see this the same way that she does; and she respects that. She thinks that our community has shared values and we have already incorporated these shared values into our City Charter. These are respect, love, equality and welcoming of all of our neighbors into our community. The resolution is important to Bowers because of visibility and acceptance of people who were born LGBTQ. There is research from various organizations and institutions by having a public statement to this effect and like what is already in Charter it is affirming acceptance and can reduce suicide and self harm as well as other mental health issues. Bowers appreciates Mayor Jadwin for issuing a Mayoral Proclamation. It's been fantastic to see community support. Bowers respectfully requesting that this resolution be added to the regular agenda.

Renner stated he is in full support and feel Bowers gave a nice summary of it's importance and also having the Mayoral Proclamation.

McGregor asked if this could be on the consent agenda, no objections.

Recommended for Adoption, Consent Agenda June 21, 2021.

G. ADJOURNMENT

Meeting adjourned at 8:20 p.m.