



# City of Gahanna

## Meeting Minutes

### City Council

200 South Hamilton Road  
Gahanna, Ohio 43230

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

*April Beggerow, MPA, CMC, Clerk of Council*  
*Council may caucus at 6:45 p.m.*

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Monday, July 20, 2020

7:00 PM

Virtual

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#### Virtual Meeting Details

513-306-4583

Conference ID: 295 037 992#

To speak during the public hearing, email your name & phone number no later than 1 hour prior to the meeting to: [april.beggerow@gahanna.gov](mailto:april.beggerow@gahanna.gov).

#### A. CALL TO ORDER - Invocation, Pledge of Allegiance, Roll Call

Gahanna City Council met in Regular Session on Monday, July 20, 2020, virtually via Microsoft Teams. President of Council, Jamie Leeseberg, called the meeting to order at 7:00 p.m. Vice President of Council, Nancy McGregor, delivered an Invocation followed by the Pledge of Allegiance. Agenda for this meeting was published on July 17, 2020.

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

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

None

#### C. PUBLIC HEARINGS:

##### [ORD-051-2020](#)

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF GAHANNA, OHIO: Amending Section 1163.06 Lighting, Striping, and Traffic Control of Chapter 1163 Parking Regulations.

Mr. Leeseberg opened the public hearing on this item.

Mr. Blackford presented the staff report on the legislation. He stated it was clean up language and doesn't alter the standard too much. It should

reduce the number of variances without negatively affecting adjacent property owners. Planning Commission approved this unanimously.

There were no members of the public to speak.

Mrs. McGregor stated that she would like to see lighting be required to face down.

Mr. Leeseberg closed the public hearing.

**D. CONSENT AGENDA:**

**Minutes - To Approve:**

[2020-117](#)

Meeting Minutes for Approval

**A motion was made by Renner, seconded by Larick, that the Minutes be Approved and Filed.. The motion carried by the following vote:**

**Yes:** 7 - Leeseberg, Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

**End of Consent Agenda**

**Pass Consent Agenda**

**A motion was made by Renner to Pass the Consent Agenda.. Second by Larick. The motion carried by the following vote:**

**Yes:** 7 - Leeseberg, Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

**E. MOTIONS**

[MT-020-2020](#)

MOTION TO REINSTATE COUNCIL RULES ARTICLE VI.

Council members discussed the motion proposed, Mr. Larick moved to amend the motion, Second by Mrs. McGregor. Vote to amend passed with a unanimous roll call vote.

Discussion on the amendment:

Ms. Bowers said that the purpose behind why now is the time to allow for virtual comments and clean up 6.30 is that it anticipates we are meeting in person. Amending it makes it clear that we will allow virtual comment and shows that we are making it possible to participate. This will allow us the ability to make sure the comments are understood that they will be read into the record.

Mrs. Angelou feels that the language could be cleaned up. We can allow people to speak with TEAMS.

Mr. Larick asked Mr. Mularski if we need specific language or can we provide the language to the public in lieu of a hard and fast rule.

Mr. Mularski replied that these are Council rules and the Council can change the rules as they see fit.

Mr. Larick asked if we have to make it a rule or can we simply communicate it them the best method to communicate.

Mr. Mularski said he didn't believe there doesn't need to be a rule.

**A motion was made by Renner, seconded by Bowers, that the Motion be Approved as Amended. The motion carried by the following vote:**

**Yes:** 7 - Leeseberg, Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

[MT-021-2020](#)

MOTION TO ADOPT ELECTRONIC SPEAKER'S SLIP

Mrs. McGregor asked if we really need to have this.

Mr. Mularski said he wasn't sure that it's a moot question or that it changes anything. You can make your own procedures.

Mr. Larick said it isn't a rule of Council but it probably should be. The motion should probably be an amendment to Council Rules. The other question is this intended to be for the duration of the emergency.

Mr. Leeseberg read the current Council Rule regarding speaker slips.

Ms. Bowers said that setting out policies and protocols clearly to the public is the reason she brought this forward.

Mr. Renner said this is just a clean up a little in his eyes. If there is a form they could just download it, maybe just a google form instead of just an email.

Ms. Bowers said that the suspension of the hearing of hearing of visitors did not create a new rule, but it changed the manner of how we conduct business in our office and this motion is to ensure that business is clear. Whether that amends the rules, she'd be happy to amend it to accomplish that goal. It's just to create clarity to the public as to how we conduct public business.

Mr. Leeseberg said that he thinks that this is redundant to create a slip with blanks to be filled out. The information that the Clerk puts out explains the process.

Mr. Larick asked if the Clerk has provided input.

Mrs. Beggerow added that an email would suffice, as speaker slips are retained until the following minutes are approved and the important information needed for a resident to speak would be the telephone number so that person isn't muted upon call in. She didn't feel that anything needed to be changed in Council Rules.

**A motion was made by Bowers, seconded by Renner, that the Motion be Approved. The motion failed by the following vote:**

**Yes:** 3 - Renner, Schnetzer and Bowers

**No:** 4 - Leeseberg, Larick, McGregor and Angelou

## F. RESOLUTIONS

### [RES-016-2020](#)

A RESOLUTION PLACING A MORATORIUM ON GAHANNA CITY CODE SECTIONS 780.03 REGISTRATION REQUIRED, 780.04 DESIGNATED AGENT; NOTICE AND SERVICE OF PROCESS, 780.08 FEES AND 780.09 INSPECTIONS; ALSO KNOWN AS THE RENTAL PROPERTY REGISTRATION AND MAINTENANCE CODE.

Mr. Mularski presented his legislation to place a moratorium on the Rental Property Registration and Maintenance Code.

Ms. Bowers asked how COVID 19 has impeded inspections. The Whereas language in part of the Resolution that the COVID 19 pandemic has created an impediment to inspections.

Mayor Jadwin no its because we have now had one year and have had a chance to see how it is operating and would like to take a period to reevaluate that to make sure we are operating as effectively as we can for our residents and business owners.

Mr. Mularski added that when the Mayor made her first proclamation, she suspended inspections. She has since passed a second proclamation that suspended that so inspections are being done as they were before. This is offered because we looked at this and feel there are some changes necessary. We are proposing this so we can clean up that language. The Whereas is slightly misleading but that is what originally led to the suspension of the code and now that it is no longer suspended, that's why we need this.

**Motion by Renner, Second by McGregor that the Resolution be Adopted. The**

**Resolution passed by the following vote:**

**Yes:** 7 - Leeseberg, Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

**G. ORDINANCES FOR INTRODUCTION, WAIVER & EMERGENCY ADOPTION:**[ORD-054-2020](#)

ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE AND ENGINEERING TO ENTER INTO CONTRACT WITH BURGESS & NIPLE, LLC., FOR THE WESTERN GAHANNA SSES-PHASE1 PROJECT, APPROPRIATING FUNDS THEREFORE; WAIVING SECOND READING AND DECLARING IT AN EMERGENCY.

Mrs. Angelou asked how many bids were on this because it was a large amount of money.

Mr. Crawford replied that this was not competitively bid. The goal was to put this forward quickly to get relief for some of the residents affected by the events in March and May.

Mrs. Angelou asked if this was typical.

Mr. Crawford replied that most sanitary sewer design projects would go out for qualification requests. From there they would be rated and the 3 highest rated, we would seek proposals from them. That is the process if time wasn't a factor.

Mayor Jadwin stated that there were two significant weather events 60 days apart, and that such types of storms can be expected to occur much more frequently. Over the course of just those two events, there were hundreds of homes that had raw sewage in their basements. Mayor Jadwin stated that, at the end of the day, it is a matter for Council to decide what constitutes an "emergency." She added that, when residents have raw sewage floating in their basements or coming out of their showerheads, it should escalate to a level of an emergency. She asked both Mr. Crawford and Mr. Moorehead at the time to expedite this process to see what action could be taken to address this issue, since, based on what was observed during the events, the city's sewer lines were working as they should, but clearly there is an issue someplace that this is happening for our residents, and not just one or two, but 100s of them.

She further stated that, the only way the Administration can actually start to identify where there is an issue and how we might mitigate this when the next event happens - and there will be another one - is to actually start this process. I recognize that at the end of the day, this is up to Council as to what you would like to do. You are the legislative body that can approve or reject the funding for this at this time, but we felt this was

something that is deserving of an emergency approach. The company that is being proposed previously performed this type of work for Gahanna in the past, which adds a higher level of knowledge and background to immediately begin this project, as they have the historical experience and historical knowledge of the sewer system and how they work, and can get right in and be most cost efficient. From a timing perspective, the ability to get this done now positions us to be able to do this in the fall when it is a wet weather season and we can capture the data that is needed to, again, identify where there might be an issue that can mitigate this in the future for these residents. If we are unable to move forward with this project now, we will have to wait until spring to begin.

Mr. Renner stated that he saw no problem with this approach and noted that they do emergency/waiver at the County from time to time in the interest of general welfare, public safety, especially when you know there is an issue somewhere with the sewers, you need to do what you can do to fix it. And quickly, so I have no problems with this.

Mr. Leeseberg asked Mr. Renner if there was a limitation on the dollar amount for the County on such projects.

Mr. Renner responded that there is no limit, but there is a process in that he has to appeal to the commissioners to do it.

Mrs. McGregor asked if this study will be able to identify if the infiltration is coming from within someone's home?

Mr. Crawford replied that with phase 1, this will find those areas that are adding the most infiltration into the system. This will pinpoint those specific neighborhoods. This will make sure our system is working as it should be and pinpoint those areas that are suffering from this. Then phase 2 can help find those specific homes.

Mr. Leeseberg said my concern with this contract is that it was not bid and that B&N wrote the scope. They may very well have been selected in a competitive bid process because of their knowledge, but we should have prepared a scope/RFP and gone through the process. The City of Columbus has been bidding and awarding "blueprint" jobs for 15 years. There are at least 20 firms with this type of experience in Central Ohio. You mentioned many of them in your description. Charter 135.03 (g) is clear about competitive bidding and avoiding sole sourcing. I don't think Burgess and Niple has the corner on the market. Section 135.04 (a) requires competitive bidding for services longer than six months Section 135.05 (e) lists clear ways around competitive bidding and I would argue that this project doesn't meet any of them. It may be argued that this is an emergency but I don't feel adequate documentation has been provided

under (3) Emergency purchases. B&N, while very qualified, is not the only firm that is capable of performing this work in Franklin County. Awarding a contract worth half of the revenue generated annually for the Sanitary fund seems excessive. There are several legal sources that warn against sole sourcing services such as this.

Ms. Bowers asked if the City Attorney has reviewed this and whether or not we were able to proceed as an emergency.

Mr. Mularski said he did and we are allowed under 135.06 however you don't have to accept it. So yes it is allowed.

Ms. Bowers asked the Mayor the number of the homes affected and estimate of total damages. Not every house reported damages sustained but a month ago they met with 18 homes in the College Park area and each of them sustained damage.

Mr. Crawford said it was roughly 70 in the first event and 40 in the second event. He doesn't know the difference in the numbers but some of them didn't report to us.

Mayor Jadwin said there were additional homes that reported the second time but not the first time.

Ms. Bowers said some rough numbers that's 110 houses at estimated \$15,000 in damage per house that's a loss of \$600,000 from 2 events in one year.

Mayor Jadwin added that were reported. We know of homes that have been affected multiple times. Residents are frustrated, they can't replace their homes, they don't want to sell their homes. We owe it to our residents to deal with this now.

Mr. Leeseberg asked if our sanitary sewers are adequately sized for the sanitary flow.

Mr. Crawford said they are adequately sized for normal flow. They're not big enough to sustain all weather events.

Mr. Leeseberg replied that this is mostly a result of clean water connection to sanitary that is of adequate size.

Mr. Crawford said that's what we're assuming.

Mrs. Angelou said that no one is saying we shouldn't do this as fast as

possible. My concern is that if we're supposed to be doing something like putting this out to bid, it doesn't look as though something might happen this year because how long will the study take.

Mr. Crawford replied that the flow monitors will be installed for four months. But it is a lengthy process to gather the data.

Mayor Jadwin said that this was an evaluation that they did in detail discussion with the City Attorney. They didn't just pick Burgess and Niple.

Mrs. Angelou asked what happens if the find a sump pump is going into the sanitary, is that the City's issue or the home owner.

Mr. Crawford by code, it is the property owner's responsibility.

Mr. Mularski said he asked Mr. Roth to do some research on this and it was found that this is a proprietary function of the City and we don't have absolute immunity. If we don't take the appropriate steps, and this happens again, we could lose our immunity. But as long as we are acting on it, it could be found that we are doing what is prudent and appropriate.

Mr. Leeseberg asked Mr. Crawford about Burgess & Niple being responsible with our CCTV in 2018 and 2019 and they didn't find any issues?

Mr. Crawford said correct.

**A motion was made by Renner, seconded by Larick, that the Ordinance be Adopted. The motion carried by the following vote:**

**Yes:** 6 - Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

**No:** 1 - Leeseberg

[ORD-055-2020](#)

ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE AND ENGINEERING TO ENTER INTO AN AGREEMENT WITH HACH COMPANY, FOR THE PURCHASE OF FLOW MONITORS FOR THE WESTERN GAHANNA SSES-PHASE1 PROJECT, APPROPRIATING FUNDS THEREFORE; WAIVING SECOND READING AND DECLARING IT AN EMERGENCY.

**A motion was made by Renner, seconded by Bowers, that the Ordinance be Adopted. The motion carried by the following vote:**

**Yes:** 7 - Leeseberg, Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

[ORD-056-2020](#)

ORDINANCE AUTHORIZING AN AGREEMENT WITH OPRONA INC.



(ROSEN USA), FOR TAX ABATEMENT FOR PROPERTY LOCATED AT 1195 TECHNOLOGY DRIVE; PARCEL ID NO. 025-008886; FOR A PERIOD OF FIFTEEN YEARS, FOR ONE HUNDRED PERCENT TAX ABATEMENT ON THE INCREASED VALUE OF THE PROPERTY; PART OF COMMUNITY REINVESTMENT AREA #1; WAIVING SECOND READING AND DECLARING IT AN EMERGENCY.

Mr. Schnetzer stated that he supports this project and encourages the support of Council. This project is bringing in higher paying jobs and has a high profile partner in the State of Ohio.

**A motion was made by Schnetzer, seconded by Angelou, that the Ordinance be Adopted. The motion carried by the following vote:**

**Yes:** 7 - Leeseberg, Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

**H. ORDINANCES FOR SECOND READING**

[ORD-051-2020](#)

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF GAHANNA, OHIO: Amending Section 1163.06 Lighting, Striping, and Traffic Control of Chapter 1163 Parking Regulations.

**A motion was made by Larick, seconded by McGregor, that the Ordinance be Adopted. The motion carried by the following vote:**

**Yes:** 7 - Leeseberg, Renner, Schnetzer, Larick, McGregor, Angelou and Bowers

**I. CORRESPONDENCE AND ACTIONS:**

**Clerk**

None

**Council**

None

**J. REPRESENTATIVES:**

**Community Improvement Corporation (CIC) - Larick**

No report.

**Mid-Ohio Regional Planning Commission (MORPC) - Angelou**

Mrs. Angelou shared her MORPC report.

**Convention & Visitors Bureau (CVB) - Leeseberg**

Mr. Leeseberg shared his CVB report.

[2020-119](#)

CVB Report July 20, 2020

**School Board (SB) - Schnetzer**

No report.

**K. OFFICIAL REPORTS:**

**Mayor**

Mayor Jadwin gave a report to Council which included a statement that there will be a Budget update and a report on the Capital Needs Assessment at the next meeting August 3rd.

**City Attorney**

No report.

**L. COUNCIL COMMENT**

Mrs. Angelou said that she hopes soon people will get to go back to church it has been strange doing virtual church so let's say some prayers so we can get back.

Ms. Bowers thanked the Parks & Rec department for the kayaking experience and thanks for expanding the things people can do in the community. She acknowledged a vehicular fatality that appeared to be a distracted driving issues and she expressed condolences to the family and to the first responders. She looks forward to the distracted driving bills that are pending in the state legislature. She shared her thoughts for Representative John Lewis and Reverend C.T. Vivian. She prepared this statement:

I want to take a moment to recognize Congressman John Lewis who passed away over the weekend, the same day as his friend and fellow civil rights leader CT Vivian. Awarded the Presidential Medal of Freedom in 2013, C. T. Vivian was a distinguished minister, author, and organizer. A leader in the Civil Rights Movement and friend to Martin Luther King, Jr., he participated in Freedom Rides and sit-ins across our country. Vivian also helped found numerous civil rights organizations, including Vision, the National Anti-Klan Network, and the Center for Democratic Renewal. In 2012, he returned to serve as interim President of the Southern Christian Leadership Conference.

Former US Attorney Steve Dettelbach penned the following tribute to Congressman Lewis: "John Lewis was not just a great Congressman, though he was that. He was not just a courageous community activist, though he was that. And he was not just a civil rights icon, though he certainly was that."

John Lewis was our moral conscience. He was that persistent voice, often inconvenient and always honest, that reminded us we could and must do better. Most of the time we already knew that ourselves, but John Lewis was the one who made sure we stopped fooling ourselves for a moment, stopped patting ourselves on the back, and got back to work.

Mrs. McGregor shared that the Historical Society applied for a grant through the CARES act and received \$5,000. July 9th she had surgery and she was happy to hear that while cases were going up, hospitalizations were not increasing.

**M. ADJOURNMENT**

meeting adjourned at 8:30 p.m.

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**April Beggerow, MPA, CMC  
Clerk of Council**

*APPROVED by the City Council, this  
day of 2020.*

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**Jamie Leeseberg**