



City of Gahanna

Meeting Minutes

City Council

200 South Hamilton Road
Gahanna, Ohio 43230

Stephen A. Renner, President
Trenton I. Weaver, Vice President
Karen J. Angelou
Merisa K. Bowers
Nancy R. McGregor
Kaylee Padova
Michael Schnetzer

Jeremy A. VanMeter, Clerk of Council

Monday, May 1, 2023

7:00 PM

City Hall, Council Chambers

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

Gahanna City Council met in Regular Session on Monday, May 1, 2023, in Council Chambers. President of Council Stephen A. Renner called the meeting to order at 7:00 p.m. Vice President of Council Trenton I. Weaver delivered an Invocation and led members in the Pledge of Allegiance. The agenda was published on April 28, 2023.

Present 7 - Karen J. Angelou, Merisa K. Bowers, Nancy R. McGregor, Kaylee Padova, Stephen A. Renner, Michael Schnetzer, and Trenton I. Weaver

B. ADDITIONS OR CORRECTIONS TO THE AGENDA:

None.

C. HEARING OF VISITORS:

1. Take Action Project - Mikayla Barbe-Cox, GLHS

[2023-0091](#)

Saving the Sky - Impacts and Prevention of Air Pollution by Mikayla Barbe-Cox 5.1.2023

Ms. Barbe-Cox said she is a senior at Gahanna Lincoln High School and participates in the Delaware Area Career Center Zoo School program. The project that she presented was created as a part of the Global Scholars honors diploma requirements. The project focused on air pollution, which is a major issue that causes various types of pollution, such as PM 2.5, PM 5, and PM 10. Barbe-Cox noted that PM 2.5 particulates are responsible for causing more than 20,000 deaths of children under the age of five and more than 200,000 American deaths each year. She said air pollution changes the environment, kills plants, trees, animals, and people, and alters the appearance of the sky from blue to gray and dirty. She added that the

World Health Organization rates air pollution as the world's largest environmental threat, and it is the most crucial issue that needs to be addressed on both a global and national level. Individuals can create change by raising awareness, educating themselves, carpooling, using lower emission transportation, buying locally made products, and influencing people in power to make responsible decisions. Voting responsibly for people who want to make a positive change is also crucial. She thanked Council for the opportunity to speak.

President Renner thanked Ms. Barbe-Cox for her presentation. He noted there is a scroll on the wall in Chambers that had been gifted to the City by Chinese students in 2013. Before the pandemic, the city used to work with schools and host Chinese students to understand local government. President Renner also heard similar comments from Chinese students about the blue skies in the US.

2. Members of the Public

Nancy Snyder of 249 Farm Creek Drive, Gahanna, OH spoke on invasive trees in yards and right-of-ways.

Mrs. Snyder asked for help regarding invasive callery pear trees in her neighborhood, especially those in the right-of-way. Snyder contacted the city forestry supervisor to confirm the presence of these trees and got a permit form. The permit requires a date for the work to be done, but Snyder is unable to provide it without the permit, and her neighbors cannot apply for the permit without the date. Snyder requested Council's help in making the process of removing these trees easier.

Lee Tucker of 805 Nob Hill Drive West, Gahanna, OH spoke on public displays.

Mr. Tucker talked about the displays on public property that will be discussed in the upcoming agenda. Tucker, as the chair of the Gahanna Parks and Recreation Foundation, supported the schools' mural project, which has been done three times in the past. He acknowledged that there have been discussions about who can put up things on public property, and he suggested creating a policy for future displays. Tucker believed that this year's mural project should not be affected by any policy since the students worked hard on it. He suggested having a set plan for future displays to ensure that only appropriate content is displayed.

Rose Hawk of 611 Kamilah Lane, Gahanna, OH spoke on student murals.

Ms. Hawk said she has always been a resident of Gahanna and is a former student of Mrs. Iseringhausen. She reminded the council about the importance of having an accepting and honoring space, especially for LGBTQ+ people. Hawk emphasized the significance of promoting and protecting public art, particularly student art. She warned that not supporting such spaces sends a negative and terrifying message to the community, especially LGBTQ+ members. Hawk presented some statistics on LGBTQ+ youth suicide rates and noted the positive impacts of safe spaces in decreasing the likelihood of suicide attempts. She hoped everyone would choose to protect art, promote love and kindness, and reject hate and bigotry in the community.

D. DISCUSSION:

1. Displays on Public Property

President Renner asked for the public's indulgence and understanding during the discussion as there may be ebbs and flows of questions, clarity, specificity, positions, stances, and rebuttals. He reminded everyone on Council that they are professionals and servants of the residents of Gahanna and asked them to stay respectful of each other's beliefs. He provided a simple background for the discussion item: the mural underneath the Granville Street bridge near Creekside was determined to need a refresh, and the Parks Department had asked the schools for help in creating a new mural. Elementary school students, some of their families, and their art teachers got together through the schools' community art program to create the new mural, depicting the city they live in. President Renner admitted that he had not seen the artwork until very late today, and in his humble opinion, it was clear that it is from children and much of the stuff that could easily be hanging on someone's refrigerator. However, he acknowledged that one of the two artworks contains two small items that may be controversial to some people. He and the Mayor jointly agreed that the best practice for dealing with this issue is to have a public discussion on a policy for displays on public property. He explained the discussion item has two goals: 1) to address the broader issue of policy for displays on public spaces, and 2) to gain a general understanding of the current state of the murals. President Renner asked the mayor if she had anything additional to add.

Mayor Jadwin thanked President Renner for his collaboration and willingness to have the conversation tonight. She noted it is important for the community to be part of the conversation as well. The collective responsibility of elected leaders is to act in the best interest of the 36,000 people who live in the city and ensure fairness and equality in conforming with policies and laws. The challenge is that the city does not have a policy regarding artwork in public spaces, and they need clear guidance from the Council and the City Attorney on what the policy should be. Whatever policy is adopted should be clear and not constitutionally vague, as they will be held to the letter of the policy once something goes up. The mayor said she practiced law for nearly 30 years but did not practice constitutional law, is not a practicing lawyer right now, and is not in a position to give a legal opinion on what the policy should look like or evaluate it. The Administration needs clear guidance from the Council and the City Attorney on what a city policy will be and should be. The City Attorney has been doing some research and will provide further comment on that. Mayor Jadwin said she looked forward to the conversation to bring some resolution and get clear guidance on how to move forward for the city.

Attorney Mularski addressed the question of how displays on public property are affected by freedom of speech, which includes any written or painted display. He suggested that the city needs a policy on this issue and added that few cities have policies on this matter. He indicated that it is difficult to create a policy that meets all the requirements, but it is necessary to avoid opening up a Pandora's box. Without a policy, if a political or religious display is put up on public property, it creates a public forum where anyone can put up a political or religious display, even if it's unrelated to the original display. Mularski differentiated between government speech and non-government speech. The government is allowed to have an opinion and pass a resolution to put up displays on public property, but this must be done through a resolution passed by the Council. Until a policy is in place, it's an all or nothing situation - if one display is allowed, then all displays must be allowed.

Councilmember Bowers sought clarification on the process that has been followed so far regarding the display of artwork on city property. She suggested that the Parks & Recreation Department or the Mayor could provide information on this. She noted that there are members from the Arts Council present in the audience and mentioned Ms. Hawk specifically as someone who has been involved in other art projects displayed on city property. Councilmember Bowers believed that understanding the process that has been followed so far would provide a helpful foundation for the current conversation.

Mayor Jadwin invited Stephania Ferrell, Director of Parks & Recreation to speak to Bowers' question.

Director Ferrell described how each project was different and depends on what type of project is brought forward to the Parks & Rec Department. The Parks & Rec Department collaborates with schools on art projects such as murals at Pizzurro Dog Park and the water wall at Creekside. She explained there is a conversation with schools about the type of artwork being discussed or that shows interest, and then a timeline is determined. Sharon [Iseringhausen] is typically the main contact for the Parks & Rec Department within schools, and she takes it to the art groups depending on the level of artwork identified. The students who will work on the project are determined for the murals specifically. She believed 2007 was the last time that the murals were done. They were showing their lifespan and needed to be redone. The community art group reached out to the Parks & Recreation Foundation for additional funding. The art group worked with the community art group to determine the images for the murals. Director Ferrell concluded by saying that the process is circumstantial and based on the project being done at a particular time.

Councilmember Bowers asked what the review process has been with the art from the schools and also other publicly displayed art.

Director Ferrell responded the City would see those images. There are times that adjustments are required. The images are too small or too large, for example. Ferrell said we want to make sure that they are the right fit for a particular location. The images are reviewed and then the timeline is implemented with the display of the art.

Councilmember Bowers suggested that her next question may be more appropriate for the City Attorney, or anyone who can weigh in on the matter. She brought up her concern about censorship and how the city is now trying to create a policy for artwork that has already been received and solicited through the same process as in the past. Bowers questioned whether creating a policy for the artwork received could be seen as an attempt to censor it, since the city has already gone through the same process and received the artwork.

Attorney Mularski responded, no, because we do not have a policy.

Councilmember Bowers replied that the City has a history of action.

Attorney Mularski said that was right and [Ferrell] said some of the things the City asked for changes to.

Vice President Weaver asked if there are agreements in place when the city partners with schools or other artists for art projects. He specifically asked if the Parks & Rec Department or the city as a whole has signed agreements when agreeing to these types of projects.

Director Ferrell responded we have not historically had any type of agreements with the schools. She said it is just a working relationship. She stated the City has not had formal agreements in the past with the schools.

Vice President Weaver expressed agreement with Councilmember Bowers' concerns about creating a policy that applies retroactively to artwork that has already been submitted. He supported the idea of creating a content policy for future artwork projects. He believed that the city should formalize a relationship with the Arts Council and other subject matter experts to craft this policy moving forward. He noted that other cities may have partnerships with arts councils or public arts commissions that review similar projects. Weaver emphasized that it would not be appropriate to retroactively apply a new policy to artwork that has already been submitted.

Attorney Mularski said that if the City allows this project to go forward, that in itself is creating policy. He emphasized that if the artwork is deemed to be political, the City will have opened a Pandora's box and cannot close it once it has been opened.

Councilmember Bowers requested Attorney Mularski to share the case law that he referenced. She asked if the case law is related to permits that allow groups to march on public property and display signs when they are on public property.

Councilmember Bowers sought clarification on whether Attorney Mularski is specifically referring to public partnerships where the city is contracting with an entity. She wanted to know if Attorney Mularski was saying that the city would then have to contract with every entity that comes forward.

Attorney Mularski clarified that to allow the murals to go forward, they need to become government speech. Council needs to adopt a resolution that provides clear guidelines on expressive actions, such as displaying ceremonial flags or commemorative murals. Council needs to select a location on public property and clearly state that the selected location does not constitute a public forum. The location should be where the City has previously engaged in government speech. Council needs to state that the expressive action reflects the views of the City Council. The City Council should not engage in expressive action based solely on requests from a third party and should not sponsor expressions of a third party. The expressions need to be those of the City Council themselves to make it government speech. He said this is how it has to be done but noted it can be done.

Vice President Weaver addressed his question to Director Ferrell. He asked if in the past when the department requested changes if it was based on content or if it was more related to the physical size of the document. He gave examples such as needing something bigger for a certain area or if it didn't fit in the designated space. Weaver asked if the changes requested were more related to the physical aspects of the document rather than its content.

Director Ferrell responded that it depends on the project. They want to make sure that the right images are in the right location, and if any changes are needed, they can have a conversation about it. They have worked in partnership with the Arts Council in the past, and Bright Blocks is an example of that. Currently, they have not had a partnership with the schools and the Arts Council, but they have had agreements with the Arts Council in the past for public art projects.

President Renner sought clarification from the City Attorney regarding the formality of government speech. He brought up the point that the artwork in question is a product of children from a public entity, and asked how this differs, or doesn't differ, from other instances of public speech. President Renner suggested that one could argue that public speech has already happened by the school children who created the artwork.

Attorney Mularski responded to Renner that it was not on public property. Mularski's determination is not based on this specific project, but rather on displays in general on public property. If a display on public property is deemed to be political, it becomes a public forum where anyone is allowed to speak unless it is protected by government speech. Government speech means that the display reflects the views of the government and is sponsored by the government. If the display is government speech, it can be put on public property without it becoming a public forum. Government is allowed to have an opinion and express its views through government speech.

President Renner said this is speech from children. Isn't that different?

Attorney Mularski responded no.

President Renner questioned the idea of not posting the mural until a policy is created.

He suggested that by not posting it, the City is already setting a *de facto* policy.

Attorney Mularski stated the *de facto* policy is that nothing is allowed on public property that is not sanctioned by the government. He believed that this is a fine policy and it is allowed. Mularski agreed that setting a policy by not posting the artwork is a *de facto* policy. He added that most cities do not have policies for displaying artwork on public property, and instead, they follow the same approach of not allowing anything that is not sanctioned by the government.

Councilmember Bowers said she did not understand how this situation is different from other public art displays that have already been approved without Council action. She does not understand why it is happening now. To her knowledge, city councils do not vote on every single piece of art that is displayed on public property in the region. Councilmember Bowers said she was confused about what Attorney Mularski is asking the City Council to do, particularly in relation to passing a resolution. She noted that the ribbon cutting for this project is only two weeks away and there is currently no policy in place. Would they not just follow the practices they have been following?

Attorney Mularski offered to forward to Council an article from the League of California Cities that provides examples of resolutions to be used. The League of California Cities' article clearly defines what government speech is and how to determine it. Bloomington, Indiana is currently in a federal lawsuit over a similar issue, where they allowed certain things to be put on public space, but then disallowed something else. And what they had allowed was government speech that was done through a resolution. Council would be the ones who would be making this,

as we do not have an arts commission or anything like that that can do these types of things. Bloomington had to put a policy together after a federal judge gave them 45 days to do so. Mularski explained that the judge said that even though that was government speech, they still didn't have enough of a policy because they allowed some things and not others in other areas. Therefore, that is where their case slipped up. Mularski cautioned against letting one thing slip up everything else.

Councilmember Schnetzer said government policy is often reactive in nature, whether at the local, state, or federal level. It seemed that the reason this issue was being discussed is because there is a concern that some of the imagery that has been received may fall under the legal definition of political speech. Councilmember Schnetzer sought clarification from Attorney Mularski on whether he is correct about this being a legal issue with political speech.

Attorney Mularski responded to Schnetzer, "Exactly."

Councilmember Schnetzer said Council is not talking about pictures of apple orchards or people canoeing in the creek. The art in question may have political components. That has been relayed to him by others. He has not seen the artwork and is relying on those that have that it could be deemed political and if allowed without a policy in place, it could open up a Pandora's Box.

Attorney Mularski said if it is deemed to be political, then that is correct. Someone else could come and say, "Well, you allowed this political statement. Why not mine?"

Councilmember Schnetzer said if we did not want to open Pandora's Box, then it is necessary that we adopt a policy. Is that correct? Schnetzer said he is trying to understand what "the ask" is.

Attorney Mularski said the two options to address the issue were as follows: adopting a policy or making it government speech. Making it government speech means that the City of Gahanna is sanctioning the individual item. Mularski said he is trying to avoid commenting on any individual thing and is focusing on the general issue. The problem is that even if this is a minor political issue, it can still open the door for bigger political issues unless it is considered government speech.

Councilmember Schnetzer responded, in order to make this government speech, this Council has to pass a resolution.

Attorney Mularski said yes.

Councilmember Schnetzer said if Council does not pass a resolution and the murals go up, someone could come in with any number of other political items and there'd be no recourse.

Attorney Mularski said the City would argue it was not political speech. But, if it were to be deemed legal [Mularski noted he had not seen the murals either], he did not know. He was offering something generic.

Councilmember Schnetzer said it sounded like it opened the City up to litigation. He said he is sure the City has had enough of that. Schnetzer supposed that was an accurate assessment of why this is in front of Council.

Attorney Mularski responded yes.

President Renner expressed his concern and frustration regarding the city's ability to

address artwork in its zoning code. He was particularly bothered by the idea of deeming any type of art as political speech. He did not believe that the council has the necessary expertise to determine whether or not the artwork is political speech. He suggested that the artwork in question is children's drawings and questions how they can be deemed political. President Renner acknowledged the difficulty in balancing the need to decide now with the lack of knowledge on how to address artwork in the future. He acknowledged that the Council is treading a fine line and finding it challenging to provide direction on the matter.

Mayor Jadwin responded to President Renner, acknowledging that the issue is not about not discussing the content of the artwork. It is not necessarily about the specific content. She said we all support our children, and we support the schools. The issue is that the artwork contains content that could be deemed political, and the city doesn't have a policy for that. Mayor Jadwin wanted to have a discussion with Council about how to handle the situation and what the legal issues, if any, are in moving forward. She said the goal is to protect taxpayers' interests and identify any legal bumps in the road that could arise from allowing the artwork to go forward. The Mayor wanted to have the conversation with both Council and the City attorney to explore legal avenues and potential liabilities.

President Renner said he appreciated that and did not mean for his statement to suggest that he does not want to look after the interests of the city.

Mayor Jadwin said the issue is not just about the particular artwork but the broader issue of whether the city needed a policy. If this goes up, does the city create a policy and what legal issues, if any, does it create for the city if it does not have a policy. If the answer is none, then that is the answer.

Councilmember Schnetzer supported the idea of adopting a policy. He acknowledged that the specifics of what should be included in the policy is another conversation. He referenced a past discussion about yard signs and political speech and an Ohio Supreme Court case from Cleveland that suggested limits on political speech in the city may not be allowed. He asked if it is possible to create a defensible policy that allows public art but does not allow political content.

Attorney Mularski said he could not find any [policy] out there. He believed Columbus did not have a policy. He said these are very difficult to do, but that he would do his best.

Councilmember Schnetzer asked if it is permitted to allow public art but except the idea of political content in that order.

Councilmember Bowers thought that most entities avoid potential litigation by using external bodies to deal with public art. She shared the Mayor's concerns about avoiding litigation for the community. Bowers expressed concern that the city may be censoring speech that it had previously solicited. She stated that art is inherently political, even if it doesn't have letters in it, and that it always makes some kind of statement or speech about what we do in our society.

Councilmember Angelou said she believed in 2007 the murals went up. She asked if there was anything where the City said for people to make this about how wonderful Creekside is or was there another way of saying what was needed.

Director Ferrell said that predated her time with the city and did not have the answer as to what the process was in 2007.

Councilmember Angelou asked Councilmember McGregor if she remembered the circumstances.

Councilmember McGregor said the first mural in the area was on the side of the bridge and was an education project about the environment. The mural told a story about storm sewers and where their contents go. It had a relationship to the natural area in the vicinity and conveyed that story through painting. This was the original mural before 2007.

Vice President Weaver expressed concern for the students involved in the project as they are students of the public schools. He assumed that the city is communicating with representatives from the school district, not with the individual students themselves on this project. He acknowledged Councilmember Bowers' point that all art is inherently political, as it challenges and pushes boundaries. He related his experience as an actor at GLHS, where the school district has a policy for what their students can engage in when creating art on public property using school resources. He worried that the city may be censoring something that does not need to be censored and should not be censored. He believed that a policy should not necessarily be made by the city, and that there are subject matter experts and community partners to work with in making such policies.

Councilmember Padova asked Attorney Mularski with respect to his previous comment on other communities having bodies that approve this, is the teacher, the school, the person or body that is approving this project.

Attorney Mularski said no. He explained they are not part of the government. Also, they are a separate governmental entity. They are not part of the City of Gahanna. These are two separate entities.

Councilmember Bowers offered light-heartedly putting a disclaimer on the mural that says this is not approved by the City of Gahanna but is art provided by art students in Gahanna schools.

Attorney Mularski responded that Bowers' comment would be counted as light-hearted because that is exactly what would get the City in a lawsuit by putting that in a public place and letting something that is not approved by the City to be out there.

Councilmember McGregor suggested that the circumstances might be different if it was just an art show with students exhibiting art around Creekside, as opposed to a permanent artwork that will be up for years. She expressed her disagreement with the notion that all art is political, stating that she has seen art that is simply nice and does not have a political component. McGregor acknowledged that the artwork will be up permanently, and that with a city of 36,000 residents, different people with different views may perceive it as political or not.

Attorney Mularski noted length of time is a factor in what can be allowed, usually seven days is a cut off. More things can be allowed if it is temporary. Mularski added he has been reading a lot of stuff over the last four days but doesn't want to answer that as explicitly.

Councilmember McGregor asked if allowing the mural to be deemed as political means that candidates can put up their signs in any public places. She asked how to determine the difference between a political sign and a mural.

Attorney Mularski responded it is possible to limit the location. The regulation of political signs is governed by signage regulations, and political speech can be regulated on public property but not on private property. He is unsure about the specifics of the situation and would need to look into it further to provide a more definitive answer.

Councilmember Schnetzer wanted to know the next step. This is currently a discussion item. There is no draft resolution. Is a resolution the next step?

President Renner said the Council needs to provide input on what the next steps are. It seemed like there's no hope in salvaging the current process. Parks asked for something and now the City has to go, at least by the deadline, give direction and how Council wants to formalize a policy.

Councilmember Schnetzer concluded the Council is moving down the path of crafting a policy.

President Renner responded that is apparently the case because in the absence of a policy, now we have a problem. It is Renner's opinion that the City should just move forward and put up what it needs to do and go forward with a policy. He thought maybe he might be the only one with this opinion. He said he did not think there really is a liability. He thinks children can stand on a podium in Central Square and actually shout whatever they want. They can paint. They can chalk.

Councilmember Bowers responded she did not think Renner was alone.

President Renner responded he had not heard anything [to suggest otherwise].

Councilmember Bowers believed that she, including Mr. Weaver and Ms. Padova, agrees with Renner that this should move forward as all the other art and all the other projects that have moved forward with Parks & Rec and that a policy can happen for subsequent projects. Bowers said there are three other council members in addition to Renner that share the view that the students' art should move forward.

Attorney Mularski said the safest way is for the city to own the art and to say this is representative of the City.

President Renner asked Mularski to repeat what the safest way was.

Attorney Mularski responded the safest way to make that happen is for the city to own this art and to say this is the official view of the city. That covers us.

President Renner asked if by resolution.

Attorney Mularski said yes.

Councilmember Bowers said since the discussion somewhat already treaded into this area, does prior statements of Council carry any weight?

Attorney Mularski said he would have to know what the prior statements are.

Councilmember Bowers referred to prior resolutions that the body has already passed this year, last year, and the year before.

Attorney Mularski said the resolution needs to be directed at a particular piece of

artwork. The city can own artwork if the city buys something, and that represents the city's statement. Opinions can change. He noted a case where a federal department wanted to remove a piece of artwork because they didn't feel it represented a fair juxtaposition between labor and owners. They were allowed to remove the artwork because it was their piece at that time. If the city owns the artwork or takes ownership of the piece of art, then they can do what they want with it.

Councilmember Bowers asked if Council should then pass resolutions for all other art on public property and take ownership of that art because that would seem to be the logical step.

Attorney Mularski said only if it's political.

Councilmember Bowers said with all the fish at the parks that were financed with grants through a sustainability and environmental aspect, those have political speech to them because they are about protecting the environment.

Attorney Mularski asked Bowers if she was talking about the sculptures. He believed those are all owned by the city.

Councilmember Bowers said if we own them, and they are political speech, should we then not also pass resolutions that take ownership of that art because that also has political speech to it.

Attorney Mularski said no. We own them. If we own the art, we do not have to pass a resolution. It is ours and that is governmental speech.

Councilmember Bowers asked why we would not own this art. We've already contracted this. It is on city property. How is this different?

Attorney Mularski explained the difference as having a political statement in it. We're not the owners of it. We didn't say this is our art. When you own art, you own art. The sculptures are owned by us and this is someone else's artwork on our bridge wall.

Councilmember Padova said the fish are someone else's artwork that someone else created but the city owns. Is that correct?

Attorney Mularski said yes.

Councilmember Padova said this mural would be someone else's artwork but the city would own the art that is under the bridge on the wall. Correct? Padova did not see where the difference was.

Attorney Mularski said no that is not. Unless the city takes ownership of the artwork by either purchasing it or saying that. Murals are different. The case of Bloomington is cited as an example where they allowed some murals to be painted but prohibited others that presented an alternate view, leading to legal issues.

President Renner wanted to help wrap up the discussion. He acknowledged Councilmember Schnetzer's point. There are two actions that need to be addressed. The first action is the need for a resolution to adopt and proceed with the current murals. President Renner sought confirmation if his understanding is correct.

Attorney Mularski responded, if [Council] wanted to do that, then yes.

Councilmember Schnetzer noted that would apparently mean passing a resolution that exempts it from this idea of political speech on public property because it then becomes government speech. He asked Attorney Mularski if that was correct.

Attorney Mularski responded yes.

Councilmember Schnetzer concluded that was one way around the current issue. The other question that Schnetzer believed Renner was going to ask was what the City does about a policy.

President Renner said long-term that is correct.

Councilmember Bowers said if Council would like a resolution to come forward in time for the artwork to move forward, a special meeting would need to occur this week. She said she would be happy to make herself available for that.

President Renner responded that was fine. Council could also do a special meeting on Monday.

Councilmember Bowers asked if that was sufficient time. She noted that she saw some heads shaking in the negative.

President Renner reflected that it was a good question. If Council did such action, what timeline is there? Renner said the Council has no knowledge. Council did not know the current status of the murals.

Councilmember Bowers asked for the record to reflect that she thought the first instance that Council was aware of this issue was on Friday via an email from Mr. Renner. She noted that as the discussion has shown, not all council members have seen the proposed art. She apologized to the students and to the Parks & Recreation Department and to the foundation. She said this is coming in at the eleventh hour. She wanted people to know that this was not comfortable for the Council.

Mayor Jadwin responded to Bowers. To be clear, the Mayor found out about it on Thursday. She said it was not comfortable for her either and was trying to understand what the legal parameters were. She had the conversation with the council president immediately seeking his input on this and identifying the best course of action. Jadwin expressed her gratitude for [President Renner's] collaboration and his discussion in concluding that this was the conversation that needed to be had.

President Renner thanked Jadwin. To Director Ferrell, Renner asked what is the timeline and if there was time to salvage this.

Director Ferrell said she thought the 13th would not be enough time but that was not to say that the ribbon cutting can be set back if the decision is to move forward as is. Then, there would be a new date established for the ribbon cutting for those murals. She thought that would be the most logical time frame at this point.

President Renner responded the question he was asking is that if Council acted in a special meeting and passed such a resolution next Monday, when would it be? How much of a delay would there be?

Director Ferrell said she thought an extra week from there would be ideal but with schedules, she did not want to determine a date for other parties. That would have to

be a discussion with the schools to establish what an appropriate date would be.

President Renner responded that was fair enough.

Councilmember Schnetzer acknowledged Attorney Mularski's presentation of possible solutions. He expressed his personal stance that he is not in favor of any resolution proposed so far. Schnetzer raised the question of whether no resolution was an option. He sought clarification on whether passing a resolution is necessary and if it represents the will of the entire Council or just a few members. Councilmember Schnetzer wanted to understand the consensus among council members regarding the issue at hand.

President Renner responded that Schnetzer's question might be to a couple other colleagues because four of the members have made a demonstrative effort to say they were going to pass a resolution.

Councilmember Schnetzer concluded that it appeared [a resolution] is moving forward.

President Renner suggested that in the long term, the Council should provide the Mayor and the administration with ideas for what they want to see in a policy. He sought confirmation on whether his understanding is accurate.

Mayor Jadwin agreed with President Renner's statement. She suggested that they may not have enough information at the moment to formulate a complete policy based on the Council's feedback. She mentioned the possibility of exploring other options and continuing the dialogue if needed. Jadwin proposed the option of creating a draft policy for the Council's consideration.

President Renner acknowledged the suggestion made by some colleagues about the existence of arts commissions. He proposed the idea of creating an arts commission in Gahanna and filling it with experts from the community. He asked for other ideas as well.

Vice President Weaver agreed with Renner's suggestion and considered it a valuable discussion item for the future. He emphasized the importance of being intentional and not overly reactive in the decision-making process. Weaver suggested involving subject matter experts and community partners in crafting a policy or formalizing a relationship with an external community partner. He highlighted the advantage of having a community partner with a policy in place, relieving the city from the need to create one.

Attorney Mularski acknowledged the complexity of the issue and mentioned that he has been working with outside counsel on it. Mularski informed the council members that he sent them links to an article containing potential example resolutions as exhibits.

Councilmember Bowers mentioned that the Planning Commission has previously approved murals, although they were on private property rather than public property. Bowers suggested that since the Planning Commission acts on behalf of the city and deals with public property, it might be better suited to handle the approval process for murals in the future.

Attorney Mularski expressed uncertainty about the expertise of the Planning Commission in handling mural approvals.

Councilmember Bowers reiterated her question about why the approval process for murals could not go through the Planning Commission.

Attorney Mularski explained that the Planning Commission typically deals with improvements on public property and changes in buildings, such as color changes. He mentioned that he is unsure about what specific murals were being referenced.

Mayor Jadwin acknowledged that a mural has been done on private property, which makes it different from murals on public property. She suggested considering the Planning Commission as an option for mural approvals, as well as the Parks Board. She noted that the City of Columbus has an arts commission that is appointed. There are various ways that the City could do this.

President Renner said he is in favor of finding art experts to fill a commission. He humbly disagreed that all art is political. The duty of art is to solicit responses. He explained people might respond yea or nay about it but so be it. He asked if there were any other comments or questions. Did the Mayor have enough to go on right now?

Mayor Jadwin said she thought they had enough to get a draft started and begin the conversation.

President Renner asked if Ms. Bowers was going to draft the resolution.

Councilmember Bowers responded, no, Attorney Mularski needed to present the resolution to Council.

Attorney Mularski responded that he just gave Council some examples, about five examples to work with.

President Renner concluded that he would work together with Bowers. He thanked all Council colleagues, the City Attorney and the Mayor for tonight's discussion. He noted for the audience that it was visibly a little rough to navigate. He ended with a quote from Thomas Jefferson in a letter to a friend of the opposite party, "A government held together by the bonds of reason only requires much compromise of opinion."

E. CONSENT AGENDA:

1. Minutes - To Approve:

[2023-0077](#)

CN Special Minutes 4.10.2023

The minutes were approved on the Consent Agenda.

[2023-0078](#)

COTW Minutes 4.10.2023

The minutes were approved on the Consent Agenda.

[2023-0079](#)

CN Minutes 4.17.2023

The minutes were approved on the Consent Agenda.

2. Resolutions:

[RES-0015-2023](#) A RESOLUTION TO AUTHORIZE A THEN AND NOW PURCHASE ORDER UNDER OHIO REVISED CODE 5705.41(D)(1) FOR THE PURPOSE OF TRAINING PROVIDED BY COLUMBUS POLICE ACADEMY

The Resolution was adopted on the Consent Agenda.

3. Ordinances for Second Reading:

[ORD-0021-2023](#) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SCHOOL RESOURCE OFFICER (SRO) CONTRACT WITH THE GAHANNA-JEFFERSON PUBLIC SCHOOLS FOR THE 2023-2024 SCHOOL YEAR

The Ordinance was adopted on the Consent Agenda.

[ORD-0022-2023](#) AN ORDINANCE TO AUTHORIZE THE PURCHASE OF PORTABLE RADIOS AND FIRMWARE UPGRADES FROM MOTOROLA SOLUTIONS PURSUANT TO STATE TERM CONTRACT

The Ordinance was adopted on the Consent Agenda.

End of Consent Agenda

A motion was made by Schnetzer, seconded by Weaver, to Pass the Consent Agenda. The motion carried by the following vote:

Yes: 7 - Angelou, Bowers, McGregor, Padova, Renner, Schnetzer and Weaver

F. ORDINANCES FOR INTRODUCTION / FIRST READING:

[ORD-0024-2023](#) AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS - TIF Fund, Bond Retirement Fund, and Police Pension Fund

President Renner introduced the Ordinance and read it by title.

[ORD-0025-2023](#) AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS - General Fund, Streets Fund, and Water Fund for Damage to City Property

President Renner introduced the Ordinance and read it by title.

[ORD-0026-2023](#) AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS - Water Meter Fees

President Renner introduced the Ordinance and read it by title.

G. CORRESPONDENCE AND ACTIONS:

1. Clerk - None.
2. Council - None.

H. REPRESENTATIVES:

1. Community Improvement Corporation (CIC) - Renner, Weaver

President Renner mentioned that the next CIC meeting will take place on May 16th, Tuesday morning at 8 A.M. in the Committee Room. He referred to a report that he gave during the previous meeting.

2. Mid-Ohio Regional Planning Commission (MORPC) - Angelou

[2023-0081](#)

Councilmember Angelou's MORPC Report to City Council 4.28.2023

Councilmember Angelou mentioned the upcoming executive committee meeting on Thursday and the commission meeting the following Thursday. She referred to the report numbered 2023-0081 that contains information related to the commission. Angelou highlighted her participation in an event organized by MORPC for celebrating diversity and fostering inclusivity in the workplace. She mentioned Niel Jurist as the moderator of the event and the panelists as follows: Jason Jenkins, executive director of The Office of Diversity and Inclusion for the City of Columbus; Josué Vicente, executive director of the Ohio Hispanic Coalition; and Sherrice Sledge-Thomas, VP of Diversity, Inclusion, and Access at the Columbus Chamber of Commerce. Angelou expressed her satisfaction and appreciation for attending the event and being part of MORPC's efforts.

3. Convention & Visitors Bureau (CVB) - Padova

Councilmember Padova announced Herb Day, which will take place on the upcoming Saturday at the Creekside Plaza. She provided details about the event, including herb sales, plant vendors, scavenger hunts, music, guided tours, and food options. She mentioned National Tourism Week, which begins on Sunday, and informed members about the Herb N' Restaurant Week organized by Visit Gahanna from May 7th to the 13th. Twelve establishments will offer dishes and beverages featuring different herbs. Padova mentioned the CVB's participation in Tourism Day on the State House lawn on May 10th,

where they will promote Gahanna and distribute promotional materials. She highlighted the Creekside Blues & Jazz Festival, less than 50 days away, and encouraged volunteering. She provided information on how to sign up and noted the CVB director's television appearances promoting the festival. Padova recalled that council members volunteered last year and emphasized that it is a fun way to engage with the community during the summer.

4. School Board (SB) - Bowers

Councilmember Bowers mentioned that there are 17 days left of school. She acknowledged Bus Driver Appreciation Day and informed members that School Lunch Hero Day will be celebrated on Friday. Bowers stated that the district is observing Staff and Teacher Appreciation Week throughout the week. She reported that the Middle School West PTO organized a spring cleanup day on April 30th, expressing gratitude to Emily Bernard for organizing and to all the volunteers who participated. Bowers highlighted the achievements of Gahanna Lincoln High School students in arts competitions, specifically mentioning awards received at the Scholastic Regional Art and Writing competition and the regional Ohio Governor's Youth Art Exhibit. She extended congratulations to the students who received honors in these competitions. Bowers reminded the audience that they can sign up for weekly district updates by visiting the district's website gahanaschools.org and accessing the district info tab.

I. OFFICIAL REPORTS:

1. Mayor

Mayor Jadwin thanked everyone for the conversation tonight and acknowledged that the topic discussed is complex and complicated, as evidenced by the hour-long discussion. She emphasized that the overriding concern is ensuring the city operates fairly and equally in compliance with the law, protecting the legal interests of all residents. Jadwin expressed gratitude to Ms. Barbe-Cox for her presentation and mentions meeting her when she became an Eagle Scout. The Mayor expressed interest in tapping Barbe-Cox for the resident sustainability group. She mentioned that it is Air Quality Awareness Month and announced that a proclamation will be issued to recognize it. The Mayor thanked Councilwoman Padova for listing the upcoming herb events, including Herb Week in Gahanna, Herb N' Restaurant Week, and noted the upcoming school musical, Newsies. Mayor Jadwin mentioned that this will be Mrs. Macioce's last school musical in her current role and encouraged the community to attend and support the drama program at the high school. She informed Council that the Veterans Committee is planning the Memorial Day celebration, with

details to be posted soon. The Mayor addressed the issue of parking across the street on Jahn Drive and Gary Lee, stating that the Public Safety Director, Chief of Police, and Lieutenant Moffitt have been working on balancing resident concerns with public safety needs. A meeting is scheduled with the residents to discuss recommendations for signage changes. Mayor Jadwin highlighted that the Parks and Recreation Department is still hiring for summer positions, particularly camp counselors, pool staff, and event workers. She mentioned the upcoming opening of the pools on Memorial Day and hoped to have the Splash Pad open before that, weather permitting. The Parks and Recreation summer guide has been distributed, and Uniquely Gahanna, the community information magazine, should have arrived in mailboxes. The Mayor addressed concerns about the plastic poly bags used for mailing Uniquely Gahanna and mentioned discussions with the vendor to explore alternative options. Finally, Mayor Jadwin announced that the Director of Economic Development, Nate Strum, is leaving the city for a private sector opportunity. His position has been posted, and interviews will be scheduled once the posting closes. The city will also engage a development consultant in the interim. The Mayor anticipated needing Strum's assistance with pending projects in the future.

2. City Attorney

None.

J. COUNCIL COMMENT:

Councilmember Angelou expressed sadness over Director Strum's departure from the community but wished him the best in his new endeavor. She hoped he would visit and invited others to watch him in his new pursuits. Angelou remarked on the cold and rainy weather in May and expressed her desire for sunny days with temperatures reaching at least 70 degrees.

Councilmember McGregor attended the Student Art Show at Clark Hall and was amazed by the talent of the students. The event was well-attended, unlike her previous visit, and she enjoyed seeing people supporting the students' artwork, including various forms such as portraits, still life, and ceramics. McGregor mentioned that her granddaughter had a couple of pieces displayed at the show and she had a great time seeing all the students' work.

Councilmember Bowers thanked Mr. Mularski for his research and the draft proposed resolutions. She mentioned working with the council president to finalize a resolution to present next week. Bowers announced a constituent hour on May 20th at Headley Park, inviting

residents to join her for discussions. She congratulated the American Legion for their successful Walk in Our Boots 5K event and commended all the participants and volunteers. Bowers provided updates on activities related to Make Gahanna Yours, including the availability of additional sponsorships for planters on the Plaza and the upcoming summer Farmers Market season in June. She expressed appreciation to Ms. Barbe-Cox for her presentation on air quality and pollution. Bowers attended the chief's civic association meeting and mentioned discussions on fraud and mail theft during tax season, encouraging residents to use secure mailboxes and monitor their credit reports regularly. She congratulated the Gahanna Division of Police for the successful distribution of steering wheel locks and informed residents that more locks will be available after obtaining another batch. Bowers thanked the residents who attended the meeting, acknowledged Ms. Snyder's comments about callery pear trees, and assured that a solution will be worked on for the right-of-way issue. She expressed gratitude to Mr. Tucker, Ms. Hawk, and the students in attendance.

Councilmember Padova thanked Ms. Barbe-Cox for her presentation and mentioned judging some cap projects at St. Francis DeSales recently, finding it encouraging to see engaged high schoolers. Padova wished Mr. Strum the best of luck and expressed that his personality and expertise will be missed by her and her colleagues. She invited everyone to the Creekside Boutique Hop on May 4th from 5 to 8 PM, featuring various vendors including Stella & Grace Boutique.

Councilmember Schnetzer echoed the sentiment regarding Director Strum's departure, acknowledging Strum's ability to bring levity to council meetings and expressing that Strum will be missed. Schnetzer praised Ms. Barbe-Cox for her presentation, noting her ability to recite statistics without cue cards and commending her on a great job. He extended a special thanks to the City staff, particularly the parks department and Mr. Zac Guthrie, for ensuring that the Gahanna Junior League Sports (Little League Baseball) had a successful opening day despite unfavorable weather conditions. He mentioned seeing Mr. Guthrie preparing the fields and emphasized the importance of families being able to enjoy the event. Schnetzer reflected on his experience coaching for three years and described the sense of community and Americana that he observed during opening day, with families, fellow coaches, and various activities taking place.

Vice President Weaver thanked the speakers and community partners for attending the meeting and sharing their comments. Weaver acknowledged School Board President Beryl Brown Piccolantonio's presence and expressed appreciation for Ms. Barbe-Cox's email

exchanges and her presentation. He highlighted Municipal Clerk Appreciation Week and gave a shout-out to the clerks and staff who keep the city running smoothly. Weaver mentioned attending the Mid Ohio Development Exchange program at the East Market with some Economic Development staff. He learned about the tools used in the development of the project and expressed his gratitude to Director Strum for the invitation. Weaver participated in the Walk in Our Boots 5K with his partner, expressing gratitude to the American Legion, VFW, and volunteers for organizing the event. He shared his enjoyable day in the community, including visiting Upper Cup for tea and coffee and watching a softball game.

President Renner thanked his colleagues for what they have said tonight and Clerk VanMeter and Council Office staff for their work in the Council Office and keeping things in order. He participated in the American Legion's 5K event and expressed appreciation for their efforts to continue it in the future. He joked about being sore after the run. Renner thanked Ms. Barbe-Cox for her presentation, mentioning his background as a scientist and his previous discussions on climate change. He shared that he has been accepted into a graduate program in sustainability, security, and resilience and expressed his interest in consulting with her in the future. He thanked the Mayor and the City Attorney for addressing an issue and commended everyone present for handling the discussion with professionalism.

K. ADJOURNMENT:

With no further business before the Council, President Renner adjourned the meeting at 8:34 p.m.

Jeremy A. VanMeter
Clerk of Council

*APPROVED by the City Council, this
day of 2023.*

Stephen A. Renner