



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Committee of the Whole

Stephen A. Renner, Vice President, Chair

Brian Metzbower, President

Jamie Leeseberg

Karen J. Angelou

Brian D. Larick

Nancy R. McGregor

Michael Schnetzer

Krystal Gonchar, Deputy Clerk of Council

Tuesday, May 28, 2019

7:00 PM

Council Committee Room

CALL TO ORDER.

Chair Renner called the meeting to order at 7:00 p.m. Renner informed everyone that the second item from HR, ORD-0052-2019, had been pulled from the agenda so there would be no discussion.

- Representative from M/I Homes to discuss Hannah Park path

MI Homes Representative, Josh Barkan, apologized on back in forth going on regarding the path to Hannah Park; is here to answer any questions; hopes to come to an agreement; MI believed there had been an agreement; worked diligently with administration; we believe that was a great financial deal for the city; when development began out there, we came to an agreement of where the path would go; staked out the path, laid down base; worked with the City Attorney; pulled aggregate base; the answer to the question, "how did MI not know they needed Council approval," the honest answer was they believed they had one; have had easement documents provided within the last few weeks; did not ask for one because we did not think we needed one for an easement; felt that in the future if the city felt the path should go, there would be the ability to remove the path; stands by commitment to pay \$150k.

Leeseberg said from our perspective, Council was not made aware of the path until the base went in; we were blindsided; we had no part of negotiations; a one-time payment won't be enough for him; we were talking about budgets in the recent past and we have no money to fund repairs for playgrounds; am willing to lower the front end costs, but wants to be compensated for continuous use; asked Barkan how many homes were being built. Barkan said 78. Leeseberg asked if that's for 2 phases.

Barkan confirmed. Leeseberg asked if the HOA would take over payment; would like the township to be a part of the agreement in case the HOA collapses at some point; perhaps \$5,000 a year would be a number to throw out; only found out after the stone was laid down; went out to the model home and viewed literature created by MI that showed the path. Barkan said it's on the marketing material because they believed there was an agreement; open to repackaging the agreement; have agreed to maintain the path, is a place where there's no fence and the cost of pavement had no causal relationship to the figure presented; wide open to terms. Leeseberg said he's not worried about wear and tear on the path but more so the equipment which will see more use; is a premier park.

Angelou said that if you don't know history, you are destined to repeat it; when addressing Barkan, said you must be aware of how to approach a government to make negotiations; asked for an apology and received that, thanked Barkan; people who purchase those homes expect the path; it's not fair to them or us; there was no signed contract when annexation process came forward; things are done by contract, through legislation; now MI knows the history and won't repeat this; looking at good business practices, don't find this to be one; said they talked to the Mayor and his admin staff, but not the right people; sees where mistakes happen; said she was pretty strong during the discussion over the phone with Barkan; we knew nothing about that; no one here said they were upset that the homes were not full of empty nesters, although that was what was presented during the original annexation process; thanked him for the phone call.

Renner asked for Council's thoughts for a proposal going forward. Angelou said our colleagues do have a proposal; the parks stay nice because we have money to keep them updated; this is more than an easement though, this is a collaboration; but \$150k does not last long. Larick said as far as amounts, is unsure; said Leeseberg outlined at a high level, his thoughts; a front end amount makes sense with additional yearly costs; echoed Leeseberg's comments; the concern and focus here is that our responsibility is first to Gahanna residents. Angelou said the park cost \$6.3 million; this is not a small park.

Leeseberg asked Jones about the \$150k; what was the justification for that number. Jones said there was no equation used for the amount; that was the offer from Keppernick, who was with MI at the time; thought they would present that number to Council to see their thoughts; that number was not based off usage. Mayor said this started before the annexation

stopped and went to the township instead; knew when it moved to Jefferson Twp., MI still wanted this; thought we could still get resources from this to help cover costs we spent when trying to get the annexation done; that was a starting point for negotiations, knowing the outcome could change when it got to Council.

Leeseberg said that amounts to \$40 per residence; would suggest that they receive \$40 per year from the HOA; asked when they will turn this over to HOA. MI rep said when 2/3rds of the homes are sold; park will see similar use whether or not the path is there; practically everyone over there uses it already. Barr said 2019 budget book was reviewed today with Jones; when you start doing the math, you come to \$57 per home per year from Gahanna homeowners; with 78 homes x \$57 per year; convenience is not something you can put a dollar amount on; will see more activity from homeowners when they can walk to the park; disagrees with MI on that comment; a \$5,000 payment with no upfront money would be used up in 30 years; read an email sent to MI homes, which copied in City Attorney saying Council action was needed.

Larick said we discussed having a one-time upfront cost and have funds in perpetuity; asked Barkan how long he wants this to go on; in perpetuity means there is no end. Barkan asked what then is the upfront cost; if there's no upfront cost then that's more palatable for MI. Renner said the number provided by Barr was for every house and for accessing every park; would not be equitable to charge that for these homes for using one park. Barr said it is tough to break out the cost for one park. Renner said the question is what would be the access cost for one park. Leeseberg suggested \$40 per year. Renner said the argument is for the terms of equity. Barr said that if that is Council's decision he will try some more math. Leeseberg said he knows kids don't behave as well when they are alone versus when they are with their parents; if kids are going to the park unsupervised then there may be more wear and tear on the equipment; Weldon can build their own playground if they like. Barkan said those people are going to continue going to the park regardless of the outcome tonight. Leeseberg said he does not know where the number came from; MI promised the people who purchased homes there for an access to the park; said there was no legal right to the path. Barkan said they were not aware and were relying on the people they were working with here at the city.

Angelou asked MI to work up some numbers and come back to Council. Barkan said he will repackage it however you want; if the need is that the amount be more than \$150k then he cannot feel comfortable with that;

this is a good economic deal. Leeseberg said the only way this makes sense is to have a lower up front cost.

Metzbower thanked Barkan for coming; this park will be around for a very long time; trying to knock out an agreement that makes sense and will bring this back to a future committee meeting. Barr asked who should be at the table. Leeseberg said Jones, Barr, Crawford, Mayor, Council, MI. Barr asked Barkan who would be standing behind this from MI; asked if MI homes stood behind the in perpetuity payments, would that suffice. Leeseberg said MI homes could be bought out, but Jefferson Twp. would be there longer. Larick said Jefferson Twp. should be there should HOA dissolve. Barkan said MI has been in the area for 40 years; we are committed to this; can't lose sight of the practical aspect of this.

Renner asked who on Council will work with the Parks Dept. on this; Metzbower said he will; Leeseberg also volunteered. Renner said he would like to save time and take the money up front; is interested to see new numbers; just take the money upfront rather than complicate matters by going to the township for approval; sometimes the easiest way is the best way. McGregor said she understands the ongoing maintenance but perhaps the easiest solution would be to choose the \$150k option.

UPDATE FROM THE SAFETY DIRECTOR:

[2019-0075](#) Update from the Safety Director.

Not present; for informational purposes.

ITEMS FROM THE DIRECTOR OF PLANNING & DEVELOPMENT:

[2019-0076](#) Bequest from the Estate of Ruth Junkermann.

Jones introduced Julia Faist, an attorney for the estate of Ruth Junkermann, who bequeathed property to the city. Faist said she is the attorney and co-executor; Ruth made revisions throughout the years but her final request was to have 5 acres given to the city; the original farmhouse for their family, for over 100 years was included; did not want to see subdivisions or industry come in; separated out 5 acres and the other 30 acres goes to scholarships for schools for animal sciences; will provide a lot of money to help other people become farmers or farmer scientists; large animal vets, etc.; may be involvement with Parks & Rec; Ruth wanted people to appreciate her family farm and home; perhaps a bed and breakfast would even be possible; Ruth wanted her friends to be

able to continue to board their horses; Ruth had this option for her friend; friend would have expenses though and may not want that long term; would eventually give their piece of the property to Gahanna as well.

Larick asked about constraints; is there some other definition for the usage of the property. Faist said Ruth didn't want it to be overly restrictive; would suggest Gahanna decide what they want and we will see if it fits in the parameters of Ruth's vision. Larick asked about the timing of this process. Faist said usually 6 months, expects this would last a little longer. Larick said we are challenged at the government level, at expediency. Faist said she could work up a deed quickly. McGregor asked if we got the deed now, the people who have it currently, would they forfeit. Faist said they could live in the house or move their horses off the property. Angelou asked about the items in the house. Faist said there's not much in there. McGregor asked if they could go look at it. Angelou said this is interesting because Jim Grote wants to have a farm in the city in order to teach kids how to farm. Faist said this could be coordinated with other organizations like that.

Metzbower thanked Faist for coming and asked about the property as being defined as agricultural land and currently has CAUV tax status; asked if there would there be any implications of losing that. Faist said city taxes would be zero because the city does not pay property taxes on land they own. Renner asked Jones if his team had thoughts on this and how it could be used. Jones said this is zoned commercial and could be developed as such; the friends can use the land until they no longer wish to, but they will pay taxes. Jones asked when they give up their life estate, does the ownership then go to Gahanna. Leeseberg said they are responsible for expenses. Faist confirmed. Leeseberg asked if we didn't want the property for those same reasons, what would happen. Faist said it would go back to the four organizations, if the city deeded back to those organizations then it would be up to those organizations to cover expenses. Larick said there's no obligation to maintain at a certain level. Faist said just a basic level. Leeseberg asked if there's a rush. Faist said she needs signature on the waiver; no one can do anything until there is a plan from the city; would like this done in 6 months. McGregor signed the document that said they have seen the will; no obligation from the city for the signature.

[ORD-0049-2019](#) TO AUTHORIZE THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR PROPERTY LOCATED AT 496 EAST JOHNSTOWN ROAD; AND TO DECLARE AN EMERGENCY.

Jones provided a summary of the location, site, zoning; this would

connect Hamilton to Johnstown Rd. and could allow for a path; without this piece it would be difficult to connect east to west; CIC entered into option agreement which was designed to allow CIC to transfer the property to the city; option agreement costs would be deducted from the amount of purchase; there are sufficient funds in the Johnstown TIF; June 13th is the purchase deadline before it is out of contract. Barr said purchasing this would cost less than building a connector path. Leeseberg asked about restrictions. Jones said the desire was for parkland. Leeseberg said no environmental have been done; no due diligence; does not want to have a problem with asbestos, septic, etc. Angelou said there's no house sitting there. Leeseberg said sewer went up in 2015. Jones said that can go into the terms. Leeseberg said he wanted due diligence. Jones said he did not want to spend dollars without going to Council first. Leeseberg said there could be an issue with a path going up and environmental were not done or if we ever want to get rid of residual property then we could have a problem down the road. Larick asked who negotiated the terms. Jones said the draft is with the City attorney; only term is there is the asking price negotiated by CIC. McGregor asked how big the parcel is. Larick said just shy of an acre. Angelou asked how this affects the TIF. Jones said it's an eligible expenditure. Metzbower asked if funds are available for environmental issues. Larick said it becomes negotiable. McGregor said it seems like a fair price for not having structures that we need to tear down; is a critical piece to get into Sycamore Park. Jones said would work with City attorney for contingencies.

RECOMMENDATION: Back to Committee on June 10.

ITEMS FROM THE DIRECTOR OF PUBLIC SERVICE & ENGINEERING:

[ORD-0048-2019](#) TO LEVY THE ASSESSMENTS FOR CERTAIN REAL ESTATE ON PRICE ROAD AND JAMES ROAD, FOR SANITARY SERVICES.

Crawford said this is the last piece of legislation that needs to go through for the Price Road Sanitary Sewer Phase II; he asked for questions and there were none.

RECOMMENDATION: Consent Agenda.

[RES-0006-2019](#) TO AUTHORIZE THE MAYOR TO SUBMIT A FORMAL GRANT APPLICATION FOR THE 2019 OHIO DEPARTMENT OF TRANSPORTATION (ODOT) MUNICIPAL BRIDGE PROGRAM; AND TO AUTHORIZE THE FINANCE DIRECTOR TO ESTABLISH A SPECIAL FUND FOR THE GRANT, IF AWARDED.

Crawford said ODOT is accepting applications for grants; we have 2 structures possibly up for grabs; Wynne Ridge Court Bridge is one of

those; match will be only 5%; could cost the city \$20k.

McGregor asked if Wynne Ridge is in Academy Ridge. Crawford confirmed.

Crawford provided an update on the Westside intersection; said the Open House will be June 20th in Council Chambers. Renner asked how this will be advertised. Crawford said it will be posted on the city website and Carpenter Marty Transportation will mail out notices; will take questions/concerns to formulize a final. Metzbower asked about traffic studies. Crawford confirmed they were completed.

RECOMMENDATION: Consent Agenda.

ITEMS FROM THE DIRECTOR OF HUMAN RESOURCES:

[ORD-0050-2019](#) TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH BRONSON BATTLE CREEK HOSPITAL, DBA HELPNET EMPLOYEE ASSISTANCE PROGRAM.

Vollmer stated that the city is a member of the COHCC; employees can receive counselling services as provided as a city benefit. Larick said HelpNet is a great thing.

RECOMMENDATION: Consent Agenda.

[ORD-0051-2019](#) SUPPLEMENTAL APPROPRIATION- TEMPORARY WORK AT A HIGHER CLASSIFICATION FOR THE DEPUTY DIRECTOR OF PUBLIC SERVICE & ENGINEERING; AND TO DECLARE AN EMERGENCY.

Vollmer said the request is to pay the Deputy Director for fulfilling duties of Director who left the city; this is not from general fund but proprietary funds; worked with Finance on the numbers. Leeseberg asked if the funds usually come out of this account. Bury said no but that is how Crawford is currently paid. Leeseberg asked if they could change the account where the funds were coming from. Bury said they would make changes.

RECOMMENDATION: Consent Agenda.

ITEMS FROM THE DIRECTOR OF FINANCE

[ORD-0053-2019](#) SUPPLEMENTAL APPROPRIATION- Hamilton Road TIF.

Bury stated that the TIF produced more money than anticipated; per the agreement, that money needs paid to the developer.

RECOMMENDATION: Consent Agenda.

[ORD-0054-2019](#) TO AMEND SECTION 133.09 - CAPITAL IMPROVEMENTS FUND, OF CHAPTER 133 - DEPARTMENT OF FINANCE, OF TITLE FIVE-ADMINISTRATIVE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Bury said the next set of items work together; first item is assuming that Council would like to keep one capital improvement fund; changing 133.09 would allow monies generated from the 75% of the 1% income tax increase to be deposited into the fund and used for the purposes listed in the ballot language.

McGregor said it seems we should have two funds, one for old and one for new. Bury said most of the money is encumbered for projects; if there's any left over, can transfer to general fund if that's the desire; no need to create two funds; can manage and inform what's for past projects. McGregor asked what if a capital need would come up. Bury said could be used for same purposes as outlined here; is all capital related; can create different department numbers. Angelou said that was important should there be any question about how the money was spent. McGregor said that would be easier to determine how much money was left for capital projects.

RECOMMENDATION: Consent Agenda.

[ORD-0055-2019](#) TO ESTABLISH THE FOLLOWING THREE SPECIAL REVENUE FUNDS: PUBLIC SAFETY FUND, PUBLIC SERVICE FUND, AND PARKS & RECREATION FUND; TO DEPOSIT MONEYS GENERATED FROM THE TWENTY-FIVE PERCENT OF THE ONE PERCENT INCOME TAX INCREASE AUTHORIZED BY THE VOTERS ON MAY 7, 2019.

This is for the 25% related to operational; first part reads the same as capital improvement fund; second part designates the three separate funds; repeating ballot language; hard percentages not presented because the recommendation was to set allocation upon doing the annual appropriations process because percentages will fluctuate based on any changes of goals for the city. Larick said he wouldn't expect the need to split out in three ways; would add a level of complication. Bury said it makes it easier; allows for operational pots to grow if there is room for growth; keeps track of residual balance. Leeseberg said money would flow into the accounts but not out. Bury said it also allows us to

report as major funds which is more transparent.

RECOMMENDATION: Consent Agenda.

[ORD-0056-2019](#) SUPPLEMENTAL APPROPRIATION- 2019 Funding.

Bury said she looked at income tax modeling for 2019; model is always a year behind; updated 2018 numbers; coming in a little higher than originally anticipated; there was a concern about RITA's 33%; looking at how much they grew after it was passed determined what was due to new growth; came up with the number 22% new growth; estimated 42% would be received in the first year; would be \$4.2 million in the first year; \$500k would be the amount for the rest of 2019; most bidding has already occurred and no capital was greatly reduced so we did not want to recommend any more capital; makes more sense to pull whole programs over rather than pay for 5 officers for example, the idea was to pull the whole SRO program over, which was discussed at length for both levies; didn't want to one-off anything; allocated for last part of year; looking at other operational areas, looked at what was not already encumbered for departments; how much of total net cost, excluding new money and taking that total and figuring out the percentage is how the \$500k was divvied up; we have a surplus; next was general fund recommendation, took all items from mayor's memo and added them back in; see attachment.

Angelou asked about the recommendation, is Bury talking about funding those positions to the end of 2019 or 2020. Bury said up to the end of 2019 only. Angelou asked how this works with the audit, does this go forward to them. Bury said she has been in communication with the Auditor for each of these steps to get approval; this was a vote by the people that decided the money should be used for the stated purposes. Metzbower said this is very transparent and thanked Bury for her hard work.

RECOMMENDATION: Back to Committee on June 10, 2019.

ADJOURNMENT.

Chair adjourned the meeting at 9:01 p.m.