



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Committee of the Whole

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

Jeremy A. VanMeter, Clerk of Council

Monday, November 27, 2023

7:00 PM

City Hall, Council Chambers

A. CALL TO ORDER:

Vice President of Council Trenton I. Weaver, Chair, called the meeting to order at 7:14 p.m., with apologies for the delay in start time, recognizing the special session that had just concluded. The agenda for the meeting was published on November 22, 2023. All members were present for the meeting. There were no additions or corrections to the agenda.

B. DISCUSSIONS:

1. January 2, 2024 Organizational Meeting Start Time

Vice President Weaver addressed the issue of meeting timing flexibility, indicating that, according to the Charter, the meeting needed to occur on the second. Councilmember Bowers had looked into potential conflicts with football schedules. Weaver proposed January 2nd starting at 7:00 p.m. and sought confirmation from Council. As there were no objections, it was agreed upon, and the meeting was scheduled for January 2nd at 7:00 p.m.

2. Public Arts Policy - Status Update and Discussion

Vice President Weaver sought clarification from Mayor Jadwin regarding the status of the panel's meeting minutes. He noted that the available minutes were for those already approved and inquired about any updates or timelines on the mayor's end.

Mayor Jadwin provided an update on the Arts Panel, mentioning that their last meeting was on November 15th, and they are scheduled to meet again on Wednesday at 6pm at the Senior Center. She emphasized that these meetings are open to the public. The mayor informed the council that since the last meeting, two panel members were planning to collaborate before the upcoming meeting to create a draft policy. This draft was intended to be presented to the full panel on Wednesday. Mayor Jadwin stated that she communicated a deadline of December 1st to receive their policy

recommendation, expressing her expectation for the adoption of a policy by the year's end. She further mentioned her plan to follow up with the panel after Wednesday's meeting to assess whether an extension of the deadline is necessary. Mayor Jadwin committed to keeping everyone informed as she receives updates on this matter.

C. ITEMS FROM THE DEPARTMENT OF PARKS & RECREATION:

[RES-0036-2023](#) A RESOLUTION ADOPTING THE DEPARTMENT OF PARKS & RECREATION 2024 PRICING POLICY AS RECOMMENDED BY THE PARKS AND RECREATION BOARD

Director of Parks & Recreation Stephania Ferrell presented proposed changes to the pricing policy, which guides the establishment of charges for recreational programs and facilities. She informed the council that the policy undergoes an annual review by the Parks & Recreation Board, and the changes made were minor, mainly aimed at improving the document's format.

Vice President Weaver raised a question regarding a change on page six, specifically about the certification or qualification for a free and reduced lunch program no longer sufficing for a scholarship. He sought an explanation for this modification.

In response, Director Ferrell clarified that the change aimed to broaden the accessibility of scholarships. She mentioned that individuals, such as homeschool children, might not have the means to provide a letter from a free or reduced lunch program. To address this, the revision allowed for the acceptance of any type of letter to establish the need for a scholarship.

Vice President Weaver concluded there were still opportunities for scholarships after the proposed changes. Director Ferrell confirmed that there were indeed.

President Renner sought clarification from the clerk regarding the livestreaming of the meeting. Clerk VanMeter noted there were some issues with the cameras and audio and asked for members to ensure they are speaking directly into the microphones.

Recommendation: Introduction/Adoption on Consent Agenda on 12/4/2023.

D. ITEMS FROM THE DEPARTMENT OF ECONOMIC DEVELOPMENT:

[ORD-0084-2023](#) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH THE GAHANNA COMMUNITY IMPROVEMENT CORPORATION (CIC) AND THE CITY TO FURTHER DEFINE USE OF FUNDING

Director of Economic Development Shannon Hamons addressed the council, presenting an ordinance authorizing the mayor to enter into an amended agreement with the Gahanna Community Improvement Corporation (CIC).

The proposed amendment aimed to further define the use of funding in the existing agreement, approved in February of 2023 and set to expire in December of 2024. At the November 21st CIC meeting, the board unanimously requested an amendment to the agreement. The specific change pertained to Section 3, paragraph 2, which originally stated that the city would pay eligible expenses of the Gahanna Land Bank program, interpreted until now as only covering land purchases. The proposed modification sought to broaden the scope of eligible expenses to include various costs associated with holding purchased properties. These expenses encompassed demolition, security, hazard mitigation, insurance, taxes, utilities, and other typical ownership costs, all permissible under the Ohio Revised Code. Director Hamons highlighted the proactive role of the Gahanna CIC, emphasizing its importance as a nimble partner in advancing public improvement projects and fostering growth. He provided an example of the CIC's strategic land purchases at Stygler Road and Route 62, anticipating potential road improvements in the future. Moreover, Director Hamons informed the council about the CIC's recent grant application to the Ohio Department of Development (ODOD), seeking over \$800,000 for demolishing blighted properties in the Creekside area. If successful, the grant would significantly contribute to the demolition costs, projected to be around \$100,000 or more. The outcome of the grant application was expected in February. As the Development Director, Mr. Hamons underscored the importance of providing the CIC with the flexibility required to continue driving growth, aligning with the success realized by other communities in Central Ohio and across the state. Therefore, the request for an amendment aimed to allow the purchase of necessary items such as land and cover associated costs during the holding period.

President Renner, serving as one of the Council Representatives on the CIC, sought clarification on whether the proposed amendment still included the addition of funding requests as part of the agreement.

In response, Director Hamons explained that funding for the CIC was already allocated annually in the budget. The amendment would enable the CIC to submit eligible costs to the finance department for payment. Importantly, the money wouldn't be automatically transferred to the CIC; they would be required to provide evidence of the eligibility of expenses before receiving payment.

President Renner inquired about the allocation for the specific item in the 2023 budget, noting that he had not focused on the 2024 details. He referenced the 2023 budget, stating that it was \$200,000 allocated for the mentioned item. Director Hamons confirmed President Renner's understanding.

President Renner sought clarification on whether the CIC still required \$200,000 or if it was an additional amount. Director Hamons provided information on the 2024 budget, stating that it had been increased to \$500,000. He explained that this adjustment was made with the anticipation of more properties becoming available for purchase in Creekside and other areas around town, or other necessary development projects as they arise.

Mayor Jadwin clarified that the \$200,000 allocated in the 2023 budget had already been appropriated when the budget was approved. Looking ahead to 2024, internal discussions recognized the challenges of acquiring a property with a limited budget in the current market. Consequently, the decision was made to increase the requested amount to \$500,000 for the CIC in 2024. The mayor emphasized that while this larger sum might not be needed in its entirety, it was the request in the budget.

President Renner sought clarification on whether the contract obligated the city for a one-time payment of \$500,000 or if it was an annual commitment. Mayor Jadwin explained that the contract doesn't specify a fixed amount. Instead, the annual appropriation is determined within the approved budget. The language changes in the contract aim to provide clarity on eligible expenses that can be covered by the budgeted funds.

President Renner said he had previously brought up the idea in the CIC meeting of establishing performance measures in light of the increased budget for the CIC. He inquired if Director Hamons had considered this further. Director Hamons responded that it was unknown what the specific anticipated costs would be, emphasizing that anticipated costs would need to be discussed and brought to the city for consideration as eligible expenses. He clarified that the CIC is responsible for managing situations like property damage but must seek approval from the city for any expenditure to ensure it aligns with eligible expenses outlined in the document.

President Renner sought confirmation on the process for presenting eligible expenses for the CIC. He inquired whether it would be presented to the CIC treasurer or the real estate committee. Mayor Jadwin responded, indicating that in the typical CIC process, the real estate committee would present the expenses to the entire board. The board would then vote on whether to submit these expenses to the city as eligible for reimbursement.

Councilmember Schnetzer raised a question regarding Section 3, City of Gahanna obligations, Item 2 in the proposed changes. He sought clarification on whether a board action by the Gahanna Community Improvement Corporation could obligate the city without requiring an act of Council. City Attorney Mularski requested clarification on the specific section, and Mayor Jadwin indicated that it pertained to Section 3, Item 2 of the proposed changes in the redline.

Councilmember Schnetzer sought further clarification on the proposed changes, specifically addressing the portion that remains unchanged: "the city agrees to pay CIC eligible expenses through the implementation of the Gahanna Land Bank program." He expressed concern about potential liabilities to the public purse and emphasized the need to maintain the separation between the Gahanna Community Improvement Corporation (CIC) and the city. Schnetzer sought clarity on whether decisions made by the CIC's board could impose obligations on the city without Council's explicit approval.

President Renner responded to Councilmember Schnetzer's concerns, emphasizing this was one of the reasons why he was asking on the record the connection with the dollars and the budget. He highlighted that the City Council had already approved the 2023 line item for \$200,000, and the proposed 2024 budget included an additional \$300,000 for the CIC. City Attorney Mularski added that the term "eligible cost" specified which expenses the city was committed to covering, preventing an open-ended obligation.

Mayor Jadwin addressed Councilmember Schnetzer's concern about maintaining the independence of the Gahanna Community Improvement Corporation (CIC) while ensuring financial accountability. She suggested adding language to the agreement specifying that the city agrees to pay eligible expenses up to the approved or appropriated budget amount for each fiscal year. City Attorney Mularski indicated that this aligned with standard contract practices.

Councilmember Schnetzer acknowledged the importance of caps and limits for financial accountability. Mayor Jadwin agreed, suggesting that adding language to the agreement specifying a cap tied to the approved or appropriated budget amount for each fiscal year would address concerns. Councilmember Schnetzer expressed a willingness to review the proposed language when it becomes available.

City Attorney Mularski suggested adding language that nullifies the agreement if not appropriated for the year, a provision commonly used in contracts.

Councilmember Schnetzer emphasized the need to guard against unfunded liabilities or mandates, underscoring the importance of Council's control over the budget as a powerful tool. Councilmember Schnetzer reiterated the necessity of maintaining control over public funds and avoiding unfunded mandates.

Mayor Jadwin acknowledged the concerns raised and suggested adding qualifying language to address potential issues. She emphasized the importance of careful consideration given the nature of contracts. Director Hamons explained the timeline for the ordinance, highlighting the need for the 2023 funds to be available to the CIC in January.

Mayor Jadwin clarified the timeline, stating the goal was to have the first reading on [December 4], with second reading and vote on the 18th. This would enable the funds to be available in January without the need for an emergency waiver. Director Hamons added that while the funds might not be used immediately in January, making them available would facilitate the process.

Vice President Weaver sought clarification on the 2023 funds' status, expressing concern that if the amendment isn't approved by the year-end, the CIC may not utilize the appropriated \$200,000. Director Hamons deferred to Director of Finance Joann Bury, who confirmed that the funds

could be carried forward to 2024. Bury emphasized that once the agreement is amended and effective, the appropriations can be used in accordance with the contract, provided it is passed before any reimbursable expenses are presented.

Councilmember Bowers sought clarity on the timeline and necessity for the amendment. While understanding from Director Bury that the 2023 appropriations could carry forward and be utilized in 2024, Bowers emphasized the need for an explanation on why the amendment was crucial for the CIC to access the already appropriated \$200,000.

Director Bury clarified that the amendment was essential to provide legal grounds for the CIC to use the already appropriated \$200,000 for expenses related to the purchase of land through the land bank. Bury highlighted that the existing contract was silent on expenses beyond the purchase of the property, and the amendment would address this by specifying eligible expenses. This clarification aimed to prevent potential audit concerns regarding the usage of funds.

Councilmember Bowers asked what the anticipated expenses were that required this item to be passed by December 18th.

Director Hamons explained that some anticipated expenses requiring the amendment's approval by December 18th included property taxes, demolition costs expected early in the year, potential funds from the Ohio Department of Development (expected to be known by February), insurance, hazard mitigation, and expenses related to property security such as changing locks and doors. These unforeseen costs emerged as property owners dealt with maintenance and property care, akin to homeowners facing unexpected maintenance issues.

Mayor Jadwin sought clarification and asked if Director Bury was suggesting that passing the amendment before rolling over the 2023 budget to 2024 would be cleaner from an audit perspective, ensuring a smoother process for utilizing the appropriated funds in the new fiscal year. Director Bury clarified that if the contract language is amended and the reimbursement request aligns with the contract, the passing of the amendment doesn't necessarily have to occur by December 18th. However, there were concerns about real estate transactions that might come through in the interim.

Vice President Weaver summarized the discussion, highlighting that, from the city's obligation standpoint, timing didn't matter as the money had already been appropriated. However, he noted that the urgency stemmed from the impending tax bill and other associated costs for the CIC. Mayor Jadwin added that passing it without emergency consideration allowed an additional 30 days after the December 18th vote, considering the timing carefully without opting for an emergency waiver. Vice President Weaver said he appreciated that.

Councilmember Bowers inquired about property taxes, noting that they are typically due in January. Director Hamons confirmed this, mentioning that

while they are released in January, there is some time to pay, and they are not necessarily due on the exact date.

Councilmember Bowers sought clarification on the unplanned expenses mentioned by Director Hamons. In response, Director Hamons explained that these expenses were related to unforeseen situations, such as damage to doors and facilities, creating unsafe conditions for the public. He cited a specific property, the old Car Wash, as an example, highlighting the need for prompt action to address safety concerns, particularly if grant funding is not secured.

Councilmember Bowers requested a breakdown of unplanned expenses and the proposed cost of demolition for the properties. Director Hamons provided an estimate for demolition submitted to ODOT, outlining a basic demo cost of approximately \$325,000 and an additional \$225,000 for asbestos mitigation. The overall cost for the demolition, including permitting and project management, was projected to be around \$800,000. Director Hamons emphasized that this estimate covered five properties on the west and east sides of Mill Street, including the former Athletic Facility, a former office building, and car wash. He acknowledged that determining mitigation costs in the absence of demo funding would take time but stressed the substantial financial commitment required to secure and address issues in these buildings.

Councilmember Bowers expressed appreciation for the comments made by Councilmember Schnetzer and the Mayor regarding the language in Section 3, Paragraph 2 of the contract. She highlighted the need for limitations on eligible costs associated with property ownership, especially in light of the potential use of the 2024 appropriation to acquire additional properties. Director Hamons acknowledged the validity of this concern, emphasizing the importance of preventing eligible costs from escalating to a point where property acquisitions become financially challenging.

Councilmember Bowers emphasized the importance of receiving documentation related to both planned and unplanned expenditures for consideration of the contract and the half-million-dollar request for the 2024 budget. Director Hamons acknowledged the request but noted the challenge in providing details on unplanned costs, as they cannot be foreseen. However, he committed to sharing information on the costs mentioned during the discussion promptly. Bowers requested the costs to be itemized for Council's review.

Councilmember McGregor sought clarification on the allocation of funds, specifically questioning whether the \$200,000 appropriated in 2023 had been spent. Director Hamons confirmed it had not been spent. McGregor sought clarification on if Council passed the budget with \$500,000 next year for the CIC, did that mean the CIC would have \$700,000 (\$200,000 from this year and \$500,000 for next year) or would the \$200,000 be part of the \$500,000 requested for the 2024 budget. Director Hamons clarified that it would be in addition, stating, "It's 2 plus 5."

Councilmember Padova inquired about the grant application for demolition, and Director Hamons confirmed that they had indeed applied for a grant. When asked about the amount of the grant, Director Hamons explained that the estimate submitted to the Ohio Department of Development (ODOD) was approximately \$830,000. However, he noted that the final amount could fluctuate based on further investigations and adjustments by the Central Ohio Community Improvement Corporation (COCIC), which manages the grant applications on behalf of multiple communities in the county.

President Renner thanked council colleagues for clarifying throughout the discussion. He expressed he had started this conversation but concluded the mayor had not heard what he was asking. President Renner emphasized that this was an unprecedented request, and he highlighted his earlier statements within the CIC regarding the potential challenges associated with the ask.

Recommendation: Introduction/First Reading on Regular Agenda on 12/4/2023; Further Discussion in Committee of the Whole scheduled for 12/11/2023; Second Reading/Adoption on Regular Agenda on 12/18/2023.

Continued Discussion (First Reading was 11/20/2023):

[ORD-0082-2023](#) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE GAHANNA CONVENTION & VISITORS BUREAU (CVB) FOR THE YEARS 2024-2028 FOR THE PURPOSE OF PROMOTING TOURISM AND ATTRACTING VISITORS TO THE CITY

Director Hamons expressed his thanks to the Council. He referenced previous meetings where there was a discussion regarding the Gahanna Convention and Visitors Bureau (CVB) or Visit Gahanna. He shared that he had presented information about the amount of money obligated and other relevant details as percentages of the bed tax. Director Lori Kappes was present at the current meeting with a guest to provide further insights and address questions raised in previous discussions. Director Hamons then deferred to Director Kappes to continue the presentation.

Lori Kappes, the Executive Director of Visit Gahanna, along with Andy Herf, the Executive Director of the Ohio Association of Convention and Visitors Bureaus, presented financial information related to Visit Gahanna. She highlighted the separation of the Creekside Blues and Jazz Festival budget from the regular Convention and Visitors Bureau (CVB) funding, which is derived from lodging taxes. Kappes noted that the CVB undergoes a state audit every other year, with the most recent audits for 2021 and 2022 resulting in a clean report. Focusing on the Creekside Blues and Jazz Festival, Kappes reported that the income for the event exceeded the budget by approximately \$10,000, with overages in every income category except for partner support and sponsorships. She also emphasized that the event generated a profit, which would contribute to other events like Holiday Lights. Kappes welcomed any questions from the Council regarding the presented information.

Councilmember Bowers inquired about the number of staff included in the salaries and benefits of Visit Gahanna, encompassing both part-time and contract help. Director Kappes clarified that there are three full-time staff members within the Visit Gahanna team.

Vice President Weaver opened the floor for questions regarding the Creekside Blues and Jazz Festival (CBJF) portion of the presentation, but there were no further inquiries. Director Kappes then proceeded to discuss the General CVB financials.

Director Kappes highlighted the impact of extended stays on lodging tax revenue, noting a significant decline in income compared to 2019 due to tax exemptions for stays exceeding 30 days. She provided an overview of the lodging tax income, interest income, and expenses. The lodging tax income was reported as \$204,818, approaching last year's figures but still below the 2019 benchmark. The presentation indicated that the CVB was generally on target with its budget, and income from the Creekside Blues and Jazz Festival was expected to offset any shortfalls in the regular CVB budget.

Councilmember Schnetzer sought clarification on the year-over-year comparison of actual versus budget for general operating expenses, specifically noting that the Creekside Blues and Jazz Festival data was current through the end of October. He acknowledged the event's completion and expressed gratitude for the clarification.

Vice President Weaver inquired as to whether Airbnbs paid lodging tax. Director Kappes responded that currently Airbnbs do not pay lodging tax.

Councilmember Bowers expressed gratitude for the recent meeting with Director Kappes. She then inquired about Gahanna's lodging tax rate, confirming that the city collects 6%.

Councilmember Bowers sought information about Gahanna's lodging tax rate in comparison to other municipalities. Director Kappes mentioned a chart, provided to Council by Clerk VanMeter, showcasing various rates in Franklin County, with some communities levying 6%, while others opt for different percentages. She deferred to Mr. Herf for additional insights.

Executive Director of the Ohio Association of Convention and Visitor Bureaus Andy Herf acknowledged the challenge of making an apples-to-apples comparison of lodging taxes due to the various structures in different communities. He highlighted the diversity in tax rates, ranging from 3% to as high as 10%, depending on factors such as the presence of a municipal tax, county tax, and the number of hotels in a jurisdiction. He emphasized that Gahanna's 6% rate is within the norm.

Councilmember Bowers inquired about her recollection of the chart, noting that 6% appeared to be around the median for lodging taxes in Franklin County. Director Kappes confirmed that this recollection was accurate.

Councilmember Bowers expressed her willingness to wait for the presentation to continue, and Director Kappes shared the financial numbers while highlighting the diverse composition of the board, including Gahanna small business owners and residents. The board consists of 13 members, several of whom are representatives from the city of Gahanna.

Councilmember Bowers thanked Kappes for the list of the board members and thanked the board members for their service. She inquired about the structure of the board, confirming that it operates as a 501(c)(6) nonprofit. Director Kappes confirmed this structure and acknowledged that the City Council has a voting member appointed to the CVB board (currently Councilmember Padova).

Councilmember Bowers inquired about other members of the administration serving on the board, and Director Kappes mentioned Stephanie Ferrell from the Parks Department and Jennifer Hackman from the Economic Development Department. Councilmember Bowers then asked about the duration of the CVB's current organizational form, suggesting Mayor Jadwin might have more information as she previously served as the CVB's executive director.

Director Kappes mentioned that Karen Eylon was the first director in 2008. However, Mayor Jadwin and Councilmember Angelou corrected the timeline, with Mayor Jadwin suggesting the CVB's formation was at the earliest in 2000 or 2001, and Councilmember Angelou agreeing that it was around 2001.

Director Kappes clarified that in 2008, the application to become Visit Gahanna might have taken place. However, Mayor Jadwin specified that in 2008, Gahanna Events was dissolved and rolled into the CVB, with the effective date being 2009.

Councilmember Bowers inquired about the duration of the city directing lodging tax to the CVB. Mayor Jadwin clarified that the city had been directing lodging tax to the CVB since its formation, as required by the Ohio Revised Code. Councilmember Bowers sought confirmation that if the city had not directed at least 50% of the lodging tax, those funds would have gone to a County fund, which Councilmember Angelou acknowledged as correct.

Mayor Jadwin raised a hypothetical scenario about directing lodging tax in the absence of a CVB. Mr. Herf clarified that the lodging tax is meant to be directed to an organization recognized as a CVB by either the County Commissioners or the city. He explained that if there is no existing entity, and the city passes a tax, it goes back to the county.

Councilmember Bowers inquired about the external financial review and audit process of Visit Gahanna. Director Kappes confirmed the presence of an outside accountant and the state audit conducted every other year. The

audit reports are accessible through both the organization and the State Auditor's website. Councilmember Bowers expressed appreciation for Director Kappes' time and commended the success of the 2023 Creekside Blues and Jazz Festival, considering it one of the best ever.

Councilmember Schnetzer recalled when he had previously served on the CVB his surprise at the significant expenses for tents and fencing, the largest line item for the Creekside Blues and Jazz Festival. He reminisced about the challenges of managing expenses, especially when writing checks without certainty about attendance. Additionally, he noted the commendable effort to control expenditures, particularly in advertising expenses, which seemed likely to come in under budget. Councilmember Schnetzer commended Director Kappes for a job well done, and Vice President Weaver echoed thanks to Director Kappes and the board members present. Vice President Weaver sought council's agreement to move forward with a second reading, acknowledging a consensus for advancing both ORD-0082-2023 and ORD-0083-2023 to a vote on the consent agenda.

Recommendation: Second Reading/Adoption on Consent Agenda on 12/4/2023.

[ORD-0083-2023](#) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE GAHANNA CONVENTION & VISITORS BUREAU (CVB) FOR THE YEARS 2024-2028 FOR THE MANAGEMENT AND OPERATIONS OF THE OHIO HERB CENTER (OHC)

Recommendation: Second Reading/Adoption on Consent Agenda on 12/4/2023.

E. ITEMS FROM THE DEPARTMENT OF FINANCE:

[ORD-0085-2023](#) AN ORDINANCE AMENDING GAHANNA CODIFIED ORDINANCES SECTION 133.02 - PURCHASING PROCEDURES

Director of Finance Joann Bury presented an ordinance amendment for the council's consideration, focusing on changes to purchasing procedures outlined in Gahanna Codified Ordinance 133.02. She highlighted modifications resulting from the state biennium budget and Ohio Revised Code 9.17, which increased competitive thresholds for bidding to \$75,000, effective from October 3rd through 2024. Bury acknowledged that the city had historically adhered to Ohio Revised Code but emphasized the option to set higher thresholds if desired. The second part of the amendment addressed continuing contracts that automatically renew each year. Bury proposed that these contracts do not require competition as long as they were evaluated by the department director and fiscal officer, determining that renewing the contracts without competition was not cost-beneficial or feasible. Vice President Weaver sought clarification on the exception's applicability only when there's an option to renew, confirming that this provision would eliminate the need for bidding when exercising optional extensions.

Recommendation: Introduction/First Reading on Regular Agenda on 12/4/2023; Second Reading/Adopting on Consent Agenda on 12/18/2023.

[ORD-0086-2023](#) AN ORDINANCE AMENDING GAHANNA CODIFIED ORDINANCES SECTION 161 - MUNICIPAL INCOME TAX

Director Bury presented an ordinance amendment related to the Municipal income tax code, specifically city code section 161. The changes were necessitated by modifications in Ohio Revised Code 718, which all municipalities must follow. Bury outlined the key amendments, including updates to exemption language for individuals under age 18 (161.03), provisions for net profit taxes and remote work (161.062(i)), extension changes for businesses and individuals (161.091(a)(1)), adjustments to the penalty for non-filers (161.094(f)), and the incorporation of language for net profit filers to follow Ohio Revised Code 718.80 through 718.95. She explained the rationale behind each amendment, such as aligning with state law and providing clarity on tax procedures. The amendments aimed to keep the city's Municipal income tax code in sync with the state's requirements. No significant substantive changes were noted, but adjustments were made to ensure compliance with the latest state regulations.

Councilmember Schnetzer sought clarification on section 161.03(11)(o), questioning whether it meant that individuals under the age of 18 were exempt from all Municipal income taxes across the state of Ohio. Director Bury confirmed this understanding, explaining that the exemption for individuals under 18 had been a local choice, with an ordinance passed in 2016. Councilmember Schnetzer further inquired if the state was mandating this exemption, and Director Bury affirmed that the state was indeed mandating it.

Councilmember Schnetzer raised a question regarding whether individuals under the age of 18 paid state income tax. Although uncertain, he expressed curiosity about the possibility and thanked Director Bury for the information.

Recommendation: Introduction/First Reading on Regular Agenda on 12/4/2023; Second Reading/Adopting on Consent Agenda on 12/18/2023.

F. ITEMS FROM THE COUNCIL OFFICE:

[ORD-0071-2023](#) AN ORDINANCE ADOPTING CHAPTER 737 OF THE GAHANNA CODIFIED ORDINANCES TO ESTABLISH THE TOBACCO PRODUCTS SALES LICENSING PROGRAM

Councilmember Padova presented an updated draft of the ordinance, which included updates related to youth-oriented facilities. Key modifications included the removal of the 1,000-foot radius for parks and exclusion of police and code enforcement language to ensure no impact on their regular activities. The ordinance maintained provisions about posting signs, not selling to those under 21, and prohibiting free samples. Additionally, the appeal process was clarified to involve the court rather than the issuing department. Councilmember Padova sought approval to proceed with the first reading next week, pending Council's agreement.

Vice President Weaver inquired if there were any comments from the Mayor

or the City Attorney regarding the proposed ordinance. City Attorney Mularski expressed the need for a Memorandum of Understanding (MOU) between the City and the Board of Health, citing the example from Hilliard as not ideal. Councilmember Padova responded, stating that her understanding from the Board of Health meeting was that the ordinance needed to pass first before working on the contract, indicating that Senior Director of Administrative Services Miranda Vollmer would be involved in the process.

Mayor Jadwin sought clarification on the status of the most up-to-date version, that the most recent was the one labeled for November 27. Clerk VanMeter confirmed it was. Mayor Jadwin then inquired if it was from City Attorney Mularski. Mularski said it was as far as he knew but mentioned he hadn't handled it. However, he emphasized that the ordinance couldn't take effect until the MOU was in place.

Councilmember McGregor raised a question about the language in section 737.11(D), specifically the phrase "no new license may issue" and wondered if it should be "may be issued." City Attorney Mularski explained that both expressions, "may be issued" and "may issue," were acceptable in legal language.

Secondly, Councilmember McGregor pointed out the phrase "may be preempted by the United States or the state of Ohio" in section 737.14, suggesting it might be more accurate to say "may be preempted by the federal government of the United States." City Attorney Mularski agreed with the suggestion. Other council members expressed agreement with the proposed change. McGregor said she was ok if it stayed as is.

President Renner inquired whether the Public Health Department had provided a draft agreement outlining the interaction between the city and the department. He suggested that there had been an insinuation that passing the ordinance was a prerequisite for receiving the draft agreement.

Councilmember Padova clarified that the Public Health Department provided a draft used for Hilliard as an example. She indicated that her understanding, unless corrected by the mayor, was that passing the ordinance would precede the development of the contract between the county and the city. Mayor Jadwin concurred with this understanding during the meeting with Commissioner Mazzola.

Vice President Weaver inquired about any fundamental opposition to passing the ordinance before finalizing the MOU with the Franklin County Public Health. Mayor Jadwin indicated there was not unless a legal reason existed. City Attorney Mularski confirmed that there was no fundamental issue with moving forward in this manner. Vice President Weaver thanked the City Attorney for the clarification.

Mayor Jadwin clarified that there would be a 30-day period from the time the ordinance was voted upon and passed before it would become effective, providing ample time for negotiating an MOU. Councilmember Bowers suggested the possibility of adjusting the effective date to allow more

flexibility for the administration, proposing a date into mid-January or January 31. She emphasized that this adjustment could provide additional breathing room for the process, seeking input from others for any objections or concerns.

Mayor Jadwin suggested the inclusion of language in the ordinance specifying that it becomes effective 10 days after the MOU is signed. Councilmember Bowers expressed hesitance, emphasizing the importance of providing adequate notice to business owners. She preferred having a specific notice date. She also wanted to respect the holiday time in managing this work. Councilmember Padova clarified that the license term begins on March 1st, and the business owners are given a 60-day notice before March 1st, providing the administration approximately a month to address any concerns.

Senior Director of Administrative Services Miranda Vollmer sought clarification on whether this item already had a first reading. Councilmember Bowers confirmed the schedule, indicating that the first reading would take place on December 4th, with the second reading and adoption scheduled for December 18th. Mayor Jadwin added that, as per this schedule, the ordinance would go into effect on or near January 18th.

Director Vollmer clarified that the MOU or any contract associated with Franklin County Health would not require approval from the City Council since there is no cost associated with it. This streamlined the process, and she expressed her intention to contact Franklin County Health that week to discuss the timeline. Mayor Jadwin added that the city would be flexible in terms of timing.

Recommendation: Introduction/First Reading on Regular Agenda on 12/4/2023; Second Reading/Adoption on Regular Agenda on 12/18/2023.

[2023-0209](#)

Ohio Division of Liquor Control Notice to Legislative Authority Permit TRFL 8003702-0006 - SEXTONS PIZZA LLC

Clerk VanMeter informed the City Council about the relocation permit for Sexton's Pizza LLC to 921 East Johnstown Road. The police department had reviewed the notice, and as there were no objections. Council would only need to act if there were any objections at the next meeting. The relocation was specified in the permit from 943 East Johnstown to 921 East Johnstown. Councilmembers and the mayor discussed the new location, clarifying that it involved the opening of a Sexton's burger bar.

Vice President Weaver noted there were no objections.

Resolution Expressing Gratitude for Farmers Market Volunteers

Councilmember Bowers informed the council that she did not have a draft ready but wanted to bring attention to a matter that might bypass another committee and go directly to a regular agenda. The Make Gahanna Yours Farmers Market team had retired after five years of providing a farmers' market to the community. Councilmember Bowers had been in touch with

some of the volunteers to seek approval to recognize their service and the importance of the farmers market to the community. She mentioned coordinating a date to adequately thank them and wanted to put that on the council's radar.

G. ADJOURNMENT:

With no further business before the Committee of the Whole, the Chair adjourned the meeting at 8:28 p.m.

Jeremy A. VanMeter
Clerk of Council

*APPROVED by the Committee of the Whole, this
day of 2023.*

Trenton I. Weaver
Chair