



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Committee of the Whole

Nancy R. McGregor, Chair, Vice President

Jamie Leeseberg, President

Karen J. Angelou

Merisa Bowers

Brian D. Larick

Stephen A. Renner

Michael Schnetzer

April Beggerow, MPA, CMC, Clerk of Council

Monday, October 5, 2020

Virtual Meeting

Immediately Following Regular Council Meeting

513-306-4583

Conference ID: 427 500 349#

A. CALL TO ORDER

Chair McGregor called the Committee of the Whole to order at 7:47 p.m. All members were in attendance.

B. DISCUSSIONS

1. ITEMS FROM THE PLANNING COMMISSION

- a. [ORD-085-2020](#) ORDINANCE TO GRANT A VARIANCE APPLICATION TO VARY SECTION 1109.08 - PUBLIC AREAS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA, FOR PROPERTY LOCATED OFF HAMILTON ROAD; PARCEL ID NO. 025-013767, CURRENT ZONING SELECT COMMERCIAL PLANNED DISTRICT; PROPOSED ZONING LIMITED MULTI-FAMILY RESIDENTIAL DEVELOPMENT; CRESCENT AT CENTRAL PARK; LARRY CANINI, APPLICANT.

Mr. Blackford presented both the variance and rezoning request. Report and Planning Commission documents. The report and minutes from the Planning Commission meeting on 9/23/2020 are attached to these minutes.

Recommend Introduction/First Reading and Return to Committee.

- b. [ORD-086-2020](#) ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF GAHANNA ADOPTED BY ORDINANCE 198-96 ON NOVEMBER 19, 1996 AND AS SUBSEQUENTLY AMENDED: Changing the Zoning District of a 17.90 +/- acre parcel located off of Hamilton Road PID#

025-013767 from Select Commercial Planned District; to Limited Multi-Family Residential Development; Larry Canini, applicant.

Mr. Blackford presented both the variance and rezoning request. Report and Planning Commission documents. The report and minutes from the Planning Commission meeting on 9/23/2020 are attached to these minutes.

Mr. Larick asked of the aerial mock-up, what the line to the left meant.

Mr. Blackford replied that there is a portion of the code that says for every density there is a lot width requirement. That line delineates that space. Left of the future road is for future development.

Mrs. Angelou asked where the off-site 34 acres that was to be dedicated to the city was located.

Mr. Blackford pointed out that it was located to the south of the project, south of Tech Center Drive.

Mrs. McGregor asked wasn't that acreage already dedicated to the city. It was already supposed to be parkland. Not new.

Mr. Blackford said he believed that was correct. But it exceeds the requirement.

Mr. Schnetzer asked how much of the 34 acres is developable.

Mr. Blackford said not much, it is very limited he could present the flood plain details if needed.

Mr. Schnetzer asked, of the blue shaded section that is south of Tech Center Drive, how much of that 34 acres is developable. .

Mr. Blackford replied, in short, the answer is very little. I can stall and put up a map here and in a few moments that would show the floodway and floodplain. It's very limited. I think Mr. Canini can talk a little bit about where those lines are and what can be done. I believe, surface parking and recreation, non-structures can be built in those areas, but it's very limited. But there are some types of construction that can occur.

Mr. Schnetzer asked what is the total developable land? Is it the 40 acres that's referenced in some of the minutes and the notes?

Mr. Blackford replied I think that number, the numbers being thrown out I believe were related to the land use plan and the area designated mixed

use is roughly 40 acres in this property being about 17 and a half acres. And that's where we get to forty three percent of their overall site. So out of the 40 acres there that are north of Tech Center, I believe basically all of that is developable. And again, that does not include the property to the south, which has been committed to open space and in the floodway floodplain and then the property to the directly abutting this to the east, which is about five acres, I believe.

Mr. Schnetzer added, what we have is somewhere approximating 40 acres of developable land as mixed use being discussed, and the request is to convert somewhere in the ballpark of 17 and a half-ish acres of that to multifamily, so we call this a little less than half of the commercial land to multifamily. Is that fair? I saw in the presentation guidance of 20%. Can you comment on what that is based on? What's the vision there with that 20 percent guidance?

Mr. Blackford replied So this particular parcel that we're talking about, the 40 acre parcel, which this is, again, about 17 acres of that this particular parcel had a significant amount of discussion amongst the land use plan steering committee as far as what would be the appropriate future use of the property. There was discussion on whether or not in particular is residential and appropriate use of this property, and there were some opinions about some of the factors in play, again, about this being primarily a jobs corridor and that it should be limited to job uses and that and if we designated a property mixed use that, that could allow for residential uses and it was perhaps residential and a limited degree would be appropriate, given that this is in close proximity to jobs and there does need to be some residential in close proximity. But to make sure that this area didn't fully become residential, that it should be limited in scope and that limitation was set at 20 percent. Now, that doesn't provide a density limitation that's a land area. So, within that, if it was built more vertical in nature, three or four stories, perhaps then they could in theory have additional density similar to what's proposed. Obviously, if they keep it at two stories and that gets shrunk down to 20 percent and that would limit the amount of units they could have on the property.

Mr. Schnetzer said I was part of that land use planning committee, and I recall more of a vertical mixed use as being discussed, just enough residential really to keep afloat something like a fast serve restaurant like a Jimmy John's or Chipotle, where after 5 p.m., they struggle when the 8 to 5 office crowd leaves. This proposal, a large footprint stand alone residential development was definitely not what was put forward as a concept. I also see in the notes and here in the packet that the airport authority recommended against residential on this site. I know in the roughly seven years I've been on council that on occasion, we receive

what I think is maybe a monthly report from the airport authority about noise complaints, but I can't ever recall seeing an objection by the airport about a proposed development. From my vantagepoint, that seems unusual and I'm just curious by what mechanism does that occur. Did the city solicit their opinion or did the developer solicit their opinion? How did that come about?

Mr. Blackford replied that it came about because of a different project that was working on with the airport related to their noise study and they have requested that if there are any projects within the area to just let them know. So I didn't mention this project. So it wasn't a formal opposition to this request. They provided that the federal government and I'm going to try to summarize this correctly I'm not an expert in any of this, but what was shared with the group and with myself was that there's some federal guidelines on noise levels in and around the airport and I think every maybe 15 years or so, they look at noise level from the planes and that there's a map, a contour or noise contour map. And the federal government has said that 65 decibels or louder, that noise sensitive uses, which is basically a code for residential, it's preferred that noise sensitive uses are not within those 65 decibel contours and this property is within the 65 decibels. So what the airport has shared is that there's no formal objection but there is concerns with allowing new residential within that area. With that 65 decibels, you can do additional construction standards to help mitigate that, but because of that proximity, you know, there will always be some type of noise possible. It's a recommendation like the land use plan.

Mr. Schnetzer said Got it. Looking at the airport in proximity to the site, it appears to be in a direct line of the north runway at CMH and also adjacent a busy expressway. I guess from my non developer standpoint, it does appear that doesn't fit your typical residential site that we're accustomed to seeing. Because one last thing that I'll add for the sake of the formal record here, is that through all the years, I know that I've heard and I'm sure my colleagues on council have also heard that one of the headwinds facing the city when it comes to attracting quality job producing development and specifically referring to suburban office here, is the is the existing compensation agreement with the school district, and the argument is that it limits the degree of incentive that the city can provide to those business developments to something less than that of our peer communities in the region. I'll just say, that as part of a group that has been having ongoing discussions with our partners in the district, I think we are close to remedying this situation and I would contend that logic would dictate that a change in the incentive landscape would strongly influence the types of projects that could be economically viable and in turn attracted to this parcel so from that perspective, it seems a

little premature to change the zoning based on what may be an outgoing incentive landscape.

Mr. Leeseberg asked what the was the limit to the vertical height of the buildings would be.

Mr. Blackford said he didn't know but thought it was in the 50 foot range.

Mrs. McGegor said I guess since it's in the flight path, I am concerned about the density of people living in such an area. I mean, if it's if it's only 20 acres or 20 percent of the thing, there's fewer people. Should something tragic happen.

Mr. Canini replied that we can't pinpoint a particular product that is going to be more in danger than another. As planes come into the airport they circle the area, all parts of Gahanna and central Ohio and they come over downtown even. He added as an example, the AEP facility, the AEP building sits literally underneath the south runway and basically the same position that this project will be. And so there's probably four to five hundred people working there, possibly I don't know exactly the amount, but I think there's concentrations of people in all different types of product.

Ms. Bowers said I'm happy to wait for the 19th. I did want to raise a point as well. I think Mr. Schnetzer brought up some great points and echoed a lot of the concerns that maybe I would have, as well as Mr. Schnetzer. Mr. Blackford are aware, I was also on that steering committee for the land use plan and as somebody who lives, I think Mr. Larick and I live the closest to this property and are most familiar with the flight path or glide zone, whatever we're going to call it, I think that, you know, it's not necessarily a deal breaker, and as we discussed extensively at the land use plan steering committee, for this to be residential, I guess my concerns and Mr. Canini, I just would encourage this to be part of the presentation. Hopefully that happens either on the 19th or tonight, whatever, it sounds like you maybe weren't planning on doing the full presentation tonight, but my concern would be that I would like, I appreciate the vision that this is going to be a mixed use project, and I am not opposed to this being a horizontal mixed use versus a vertical mixed use. I understand that there is some value potentially to that and you've explained why you're proposing a two story development here, at least briefly. I would like to see more specifically what that commercial development or that business development potentially is going to look like so that we can see this as an overall project. And I know you're working on that, Mr. Canini, I just would reiterate again that that's going to be an important piece of this is to see to see how the residential fits in with tax producing, tax reducing real estate.

Mr. Canini said I'm happy to present what we have to share with you, and I don't know how many of you seen this, I don't know if it was in your packet so that's kind of where I'm at, a little bit of a disadvantage in knowing exactly what you've seen post Planning Commission approval. But this, as you see here, encompasses what is the entire holdings of the Buckles family, of which I was hired to bring this project along. It took me about 12 months to truly dig into previous goals and previous thoughts on what was to happen. Mrs. McGregor, you mentioned previous commitments from the 32 acres across the street. That actually is a commitment, but it was one that had a timetable pushed out to 2022 based on the idea that when this project and when the Buckles' gave the right away to provide for the land for the construction of Tech Center Drive, that by this point or by 2022 the project would be wrapping up, but here we are in 2020 and very little has happened. So there are many commitments beyond just what the buckles committed to. There are significant documents from the administration in that era that provided for contributions from the city for different items to come with the future development. I won't get into those tonight, but it definitely are multiple documents out there that that I had to spend significant time and legal time on to figure out the validity and such. But with that aside, I put forth the effort to get out in the marketplace, sit down with the previous administration and the previous development director, and begin to put together a plan based on the land use plan that you all mentioned that some of you were a part of the steering committee on. So what we did is look at the project as it truly was originally meant, and that was globally and looking at all, basically a total of one hundred acres here, when you look at everything in green there between Hamilton Road, 270, and what would be, in essence, the Columbus Airport golf course. So what you're seeing there on that map is in its entirety, about 100 acres. So when you think back to what has occurred there, the only development that occurred prior to my involvement is the Central Ohio Urology Group building. Those 10 acres south of Tech Center Drive in that stub street you see there, which is Buckles Court South, was all developed prior to my involvement and was probably mostly developed prior to any of you being involved, except maybe Mrs. McGregor. Mrs. Angelou. That was a decision on that 10 acres to remove that portion of the project from the CRA that existed and basically the city built Buckles Court S to open up the three acres for the Central Ohio Urology project and that building is the only thing that was developed since Tech Center Drive was built. So we came into it trying to understand how do we create connectivity, both vehicular and pedestrian, to connect this whole hundred acres together. So this is our vision and one that we've shared, I believe, in executive session with you folks over a year ago, as well as what the prior administration, some of you were at that meeting. So as you see there,

just north of the Central Ohio Urology building is what became Buckles Court North, and that was our commitment to spend a million plus dollars to build that road, to open up that section for over 16 acres of usable tax abated ground to attract businesses because the problem with the southern portion on Buckles Court South, the CRA was dismissed in exchange for the TIF. So every time I had conversations with any medical groups, professional groups for that Southern piece, they were concerned, why don't we have tax abatement, I can go to many other parts of central Ohio and build a building and get tax abatement. So, that basically forced us when we could not get the schools to allow us to re-establish the abatement there, and we spent a lot of time, myself and Anthony Jones, at a couple of school board meetings trying to get them to understand as the schools were trying to renegotiate the school agreement during those times. And I know that's been ongoing. And Mr. Schnetzer, I'm glad to hear that there's some traction being made there and we want to be a part of helping that problem. And that's why I wish to continue with the presentation. Its because for us to have the ability to attract those professional users that you all want to see, we have to have tools in our toolbox. We have to have government, an online development director, we have to have the whole Gahanna team aligned with us and I think we're getting there now. We've been very, very much enjoyed our time working with Jennifer Syx and glad she's still a part of the team and very much looking forward to working with Donna, the new Development Director. And I will be with her tomorrow touring Gahanna to kind of catch her up on this project and others. But in any event, we have to have what everybody else is offering. What Whitehall is now offering, a community to the South that never could compete with us are now competing with us and beating us right now. And that's a shame. For all the 25-30 years I've been involved in Gahanna, I've never thought I would be at a disadvantage like I am and have been over the last 10 years because we're losing to communities like that and to the community to the north of us. So, our goal and my efforts to convince the Buckles to spend a million dollars of their own money after they watch their land sit and got no help from the City of Gahanna, it took a lot for me to convince them to spend a million dollars of their own money. And they did it. They made that commitment. So understand that that opportunity for me to get Buckles Court North built was the key element to get this thing rolling and for us to get that eight million dollar Walnut Creek medical building done, and we got it committed and fully leased with doctor ownership in it shows you that that's the kind of tools that we need on this land. So we now have to understand how do we expand this beyond just the office use to really make this a global project, a true live, work, professional project. And I think when you now look over to the commercial portion or the 40 acres west of the creek left of Walnut Creek Medical there, that's what we're trying to do. And if you look at that plan and if Michael would open that

plan up a little bit, you can see with not only the apartment residential component, but we're also showing future commercial use to almost twenty two acres worth. Now, the zoning allows for retail, zoning allows for hotels. But we know that with the fact that we can ultimately we will hopefully need some of that ground and somebody may want it for an office use when you have the services there which are lacking. We all know that 270 kind of provides that break. There are no services on this side of Gahanna. So the goal is to create the services needed to serve the professional users during the day. And hopefully the residential component can provide the residential needs for that workforce group that is going to work in the medical that currently works in Central Park. And we can bring those other uses, our goals, our hotels, event center, obviously some retail, food services. But we really see this working as a global project. And it's important that you understand that and not look at it in each segment as you've been talking about the 40 acres or the 20 acres of apartments, it all has to work together. And we've made an effort as well, though, the Buckles had committed to donate those thirty two acres in 2022 I looked at it is what can we do with it, how do we make that be a part of this project? So what you're seeing there is an amphitheater. You're seeing parking for that use. You're seeing a environmental studies facility and a little wetland area that we found in our research that we'd like to kind of work with the schools on, some parks and trails it kind of brings Pazira Park all together. Now, your question is, how does all that get paid for? Well, obviously, we need to work with the city in a public private manner. We've also made the decision and we have prepared and shared an economic term sheet with Jennifer six and we will be sharing it with Donna as well as the rest of you here in the next week or so as we put all the final touches on the economics. But one of what we think is the right direction to go is to put in a community authority, which is something Gahanna has not looked at doing. But we think this is a perfect opportunity in this mixed use project to do that and create a funding mechanism that will go right to the city, come right to you, not go to the county, and we can work together on how that money gets spent as we put that NCA over this entire commercial project. So that's where we are today Again, Planning Commission understood it. They appreciated the efforts and the vision that we have and we want to work with council and work with staff and specifically the economic development team to really make this have a true connected live work, mixed use, economic package and project that can compete with Whitehall, compete with New Albany and compete with those communities that we're losing to right now and that's just a shame. I am very passionate about it, and you all know how I can be, but I've invested a lot of money in Gahanna over the years and I've enjoyed working in the community and I want to continue to do that. But I'm going to need the tools to be able to compete with these other cities.

Mayor Jadwin thanked Mr. Canini for his dedication to the project and willingness to work in the community.

Mr. Schnetzer asked for a fiscal impact analysis.

Ms. Syx said she would run a fiscal impact analysis based on the type of commercial that they believe the project can bring. It will tell income tax, real estate property tax and construction impact of those jobs to be created.

Public hearing is scheduled for November 2, 2020 and is posted as required by law.

Recommend Introduction/First Reading and Return to Committee.

2. ITEM FROM THE MAYOR'S OFFICE

- a. [ORD-088-2020](#) ORDINANCE TO AMEND THE CODE OF ORDINANCES OF GAHANNA, OHIO: Enacting Chapter 132 DEPARTMENT OF PLANNING; WAIVING SECOND READING AND DECLARING IT AN EMERGENCY.

The Mayor presented her legislation. The report is attached.

Mrs. Angelou asked I see where you think this will be more effective in and making things happen, except it just seems as though we just did this and went from the direction that you're going to go back to into this other other direction of the way things are as they exist today and I'm just sort of, you know, it kind of makes me go, well, wait a minute, we just finished doing that and why are we going back. So what made you come to that conclusion rather than working within that system?

Mayor Jadwin replied well, again, this was this was not something that I took lightly. This was something that I was looking at a year ago or longer when I was working with the city and talking, talking with staff and looking at what the job functions were. Given my experience and working with organizations through my law practice and in my employment law setting, you know, looking at job functions and how they align and how they relate is at the forefront, and again, it really made no sense to me that we had functions that were very much interrelated in two separate departments. Looking at it from the outside, that was my perspective. Once I took office in January and started to work actually with the staff and watch and see what was happening on a daily basis, that was just reaffirmed in my mind that this was an opportunity for us to realign and make our processes more efficient and more effective. I know that since April, when we've moved Michael into the position of City Planner and Zoning

Administrator, that there already have been changes through some of the processes that we're doing and he already has identified several different steps that we can be taking in the future to modernize how we get through our permitting process and really help to make those things go much faster. Speed to market is something that we constantly hear from developers as an opportunity for Gahanna so I think that realigning this will help to make that much more efficient. Thank you for that information.

Mrs. Angelou asked for an updated organizational chart.

Mayor Jadwin said one will be provided.

Mr. Larick asked what are the objectives with the Planning Department.

Mayor Jadwin replied I really would like to, streamline part of our permitting process, we've talked about some digital digital mapping and being able to make some of our processes and our services be available online to help the process go faster. There's a lot of things other communities are doing that we have not had the opportunity to implement the turnaround time from review to when a permit is issued, and then we have zoning code rewrites, hopefully in the budget for next year, which is I can tell you, almost every single problem or issue that we encounter has to do with a very much outdated and antiquated zoning code, so having all of that again happen underneath an actual planning department where that can be universally enforced and streamlined and everybody's on the same page, rather than have somebody in one department looking at it and having to talk to somebody else in the other department, I think would be very helpful. And also, we will have rental code registration coming in, which would fall with code enforcement, which would also fall in there. Again, zoning, the nuisance code abatement would also be in there. So keeping all of those and again and kind of a linear fashion, I think would be very helpful.

RECOMMENDATION: Waiver of Second Reading, Adopt as Emergency, Regular Agenda.

3. ITEMS FROM THE DEPARTMENT OF DEVELOPMENT

- a. [ORD-087-2020](#) AN ORDINANCE ACCEPTING APPROVING AND RATIFYING THE SUBMITTED RECOMMENDATIONS OF THE CITY OF GAHANNA TAX INCENTIVE REVIEW COUNCIL

Ms. Syx presented the legislative file. She stated that all recommendations were approved at the annual meeting as outlined in the report which is attached.

RECOMMENDATION: Consent Agenda.

b. [2020-160](#)

PACE Presentation- Jason Tiemeier - Bricker & Eckler

Jason Tiemeier from the Public Finance sector of Bricker & Eckler made a presentation on PACE. Presentation documents are attached to the minutes.

Excerpts of the presentation: We represent the Columbus Regional Energy Special Improvement District and help facilitate PACE projects in central Ohio and around the state. Generally, as Jennifer mentioned, PACE, the acronym Property Assessed Clean Energy. It's basically a mechanism under state law that allows for special assessments to be levied by a city, village or township on a parcel of property, and those special assessments go towards the repayment of security for a loan from a source of capital to undertake energy efficiency or alternative energy improvements. We typically see HVAC, windows roofing things of that nature, as well as things like solar, wind, geothermal or other energy generating projects. The creation under state law came through in about 2009, General Assembly amended the traditional special improvement district section of the Ohio revised code to allow for PACE financing in the use of special assessments to repay for these costs, so it's relatively new, but even in that time, Ohio ranked second by volume of commercial PACE loans in the nation. We have approaching three hundred and sixty three hundred and seventy million dollars of PACE financing in Ohio, and really the bulk of that is since 2016. And the central Ohio region is really the main driver at the central Ohio region was a state unto itself. It would be within the top five of states in the nation for PACE financing by total volume.

Mrs. McGregor asked I had a question like the special improvement district that's in downtown Columbus, that's that's sort of like a geographical area, but from what you're saying this with the east, it it would it maybe would be more spotty like here there not necessarily all contiguous, like the district that's down in downtown Columbus. Would that be correct?

Mr. Tiemeier replied that is that is absolutely correct, and that's a great point. So, with traditional special improvement district, the parcels of property that are within the jurisdiction of the district must themselves be contiguous. With the amendments the General Assembly made to authorize PACE financing, it allowed for districts that contain only these energy efficiency or alternative energy projects. These districts do not have to have contiguous parcels. The only contiguity question is that the local communities themselves are contiguous. But the parcels themselves, the parcel, the actual parcels of property on which the project will be done do not need to be contiguous. So the the project that we're

looking to discuss as well, is the Gahanna of Christian Academy, also kind of the One Church, Gahanna campus area. They've had a few deferred maintenance items, projects that they're looking to do, including interior and exterior LED lighting, boiler upgrades, HVAC controls and higher high efficiency HVAC systems and units. My understanding is that these are items they needed to fix and upgrade for a little while now, and they've just been looking for the funding to do it. And so they are working with an entity named Green Works Lending. Green Works is an entity out of Connecticut and they're one of the original national PACE lenders and they've operated quite frequently in Ohio as well to provide PACE loans to local property owners. And so the total cost of the project itself is just north of seven hundred and seventy thousand dollars and the total finance costs that are looking now, which would include closing costs, financing fees, capitalized interest and such is approximately eight hundred and seventy thousand dollars, this would be over a term of 20 years and take an energy audit with an entity named plug smart, who offers these energy analysis services for annual savings of approximately thirty thousand dollars between both their utility and their operation and maintenance costs. So this is a great project it would be very beneficial for the for the school to get these facilities taken care of. I think these are items that they've been needing to to address for a little while now and PACE financing does offer them a new source of funding for these at a very competitive rate over a 20 year term that they may not otherwise be able to find at this time.

Mrs. McGregor asked why they would just obtain financing on their own for this project.

Mr. Tiemeier replied PACE financing has a number of particular benefits to a property owner, one being you can finance 100 percent of the cost, there's no equity requirement as part of the loan, so all of the costs and all the financing costs for putting in these these items can be financed with long term, it's a 20 year loan, relatively low rate, I think they're targeting around a five and a half or five point seven percent interest rate. And so this is a way to help amortize that cost and spread it out, but also be able to find financing it because it is not mortgage based, you maintain kind of some of these other lines of credit that you may have or some of these other financing options that you may have for other kind of traditional projects or things of that nature.

Ms. Bowers asked It was mentioned, I think you and Ms. Syx had mentioned that this was available to municipalities, I was wondering if that was also the case for school districts or other types of public entities.

Mr. Tiemeier replied Yes, it is, yes, pretty much the only entities that can't

be assessed are 1. Property owned by the state of Ohio and 2. Properties owned by the federal government.

No further questions.

4. **ITEM FROM THE DIRECTOR OF FINANCE**

- a. [RES-023-2020](#) A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS AMONG VARIOUS ACCOUNTS.

Ms. Bury presented her legislative request. The report is attached.

There were no questions.

RECOMMENDATION: Consent Agenda.

C. **ONGOING DISCUSSIONS**

- a. **Discussion: Additional Amendments to Gahanna City Code Chapter 1171 Fences.**

Mr. Larick asked if there is there an update on progress on getting this closed out.

Mayor Jadwin replied It would it would actually be helpful because we were all talking about the fact that we're not sure which issue is still outstanding. Are we talking about the issue about going on to other people's properties?

Mr. Leeseberg said yes.

Mayor Jadwin said I think our city attorney, has spoken to that issue in terms of what he has looked at.

Mr. Mularski said yes. I looked at this and I do not see since we cannot go on people's properties ourselves. I do not see how we can authorize others to go on someone else's property. I don't think it's possible in that case.

Mr. Leeseberg said in that case, I would ask that we amend our fence code to allow adequate room on the person who is putting a fence up to maintain it on both sides because we go through and tell them to maintain their fence, but we don't give them a way to do it. We are creating an adverse situation. The reason you put up a fence is because you don't necessarily don't like your neighbor in some instances, and then when we tell them to fix a fence, we don't give them a mechanism. So if you want to put up a fence, you're going have to give up three foot of your

property so that you can stay on your property and maintain it.

Mr. Mularski replied Well, you're right, but the person should be doing that themselves. I don't know that we can. I mean, you're asking us to change the rule to force people to to be reasonable. But the thing is it only goes in the future.

Mr. Leeseberg said from now on, I would suggest that we tell people to give a three foot set-back on all their fences, because when we tell you to maintain it, if you can't get on the property, you have to remove it. And we've got fences that are not being maintained in this city, and it's an easy thing to say. I just I can't do because my neighbor didn't like me. That's not acceptable if you can't maintain you need to take it down.

Mr. Mularski said You're right. They need to take it down.

Mayor Jadwin added And I know part of our discussion has also been around identifying when a new fence goes, let's say let's say the rules were to go into effect tomorrow and fences that get installed from here as of tomorrow and afterward and then being able to differentiate between somebody goes, oh, I've had this here forever. I'm grandfathered in. And really they just put it in without getting the proper permit. How do we differentiate between those. I know we've had those discussions on how do we separate those out and identify those.

Mr. Larick said We're not talking to anything with a specific language. So I think the objective was to send back those two or three items for the review, to bring back updated legislation for us to then discuss and or decision. That's what we're looking for with this being on, at least that's what I'm expecting with this being on the agenda. The reason it's on the agenda so it doesn't get lost. So clearly, we're having a little discussion, but I would expect that we're we will receive at some point the updated recommendation or ask of the administration on the topic of the fence code.

Mr. Mularski said So are you saying then you want a statutory provision or ordinance that says you have to have a three foot setback?

Mr. Larick replied No, what I'm not saying what the code needs to say at this point. I just need to see what the recommendation is for what the updated fence code would be. To be honest, I'm just speaking of what I believe based on cursory notes and other places, that there is a reasonable expectation that a fence roughly along the fence line can be maintained by a person. But I would have to do research and dig in to where I've read that. But I know that I've read something similar. To be

honest, maybe that's an ***, I have no idea. But I know I've read something similar. But neither here nor there. The reason it's the reason this is on as a reminder item is so it doesn't get lost, but we don't have anything coming back to us yet for whatever the recommendation is. Whether I like it or not isn't what I'm asking for. I'm just asking for this to get to a path to get closed.

Mr. Mularski said I just gave you a recommendation. I'm not sure what it is you want. My recommendation is we can't do that.

Mr. Larick replied So that's one piece, but the Mayor also mentioned the other item, which was language or structure around controlling or managing whatever the right word is, new fence being claimed as old fence.

Mr. Blackford said I'd like to weigh in on this discussion. We're waiting on a resolution of the issue of the property line from city council in order for us to address some of the previous things that were talked about with the fence code so we're not making six or seven changes to the fence code. We've already made to do we need resolution to this issue where you want the fences, tell us, we will write it and then it has to go to Planning Commission for a recommendation. Then it goes to city council. So we need direction, it's not that we're not going to do it. We need direction in order to write something.

Mr. Larick replied OK, I want to be clear about something here. The reason this is on the agenda is because as a general statement, I will speak for council in this case. Council, please correct me if I'm incorrect, but we are expecting something from the administration.

Mr. Blackford said If the fix is the maintenance of fences, that is not a zoning code issue, as the city attorney raised, that's a nuisance code. We can do that. We can easily address the issue of somebody claiming that it was built and, grandfathered in. Like you stated, there's no grandfathering on maintenance. The simple issue of producing a permit, we can insist in that that's not a zoning code issue. That's an enforcement issue that we can handle right now.

Mrs. McGregor said My understanding was the reason I left it on was because I wanted, I thought I still had to be addressed about how you maintain the other side of the fence that's not facing your property. And that's what. And if Ray says there's no way to do that, then we can take it off. I mean, if that's but if there's other things, then that's that's the one I was remembering.

Mr. Leeseberg said Well, I mean, what we need to do, we owe it to our citizens that are put up a fence at an expense to them to explain to them that either they set it in a sufficient offset from their property line so they can maintain it when it's required or acquiring an easement for your neighbor. If you like your neighbor, get an easement, put it right on the property line. If you're doing it to get a dog or whatever and you like your neighbor and just keeping your dog from your neighbor's yard get an easement. But the problem is properties change, neighbors change, attitudes change. And, you know, again, fences make good neighbors. And the problem is somebody comes up and says, again to Mr. Blackford's point, it's not a zoning problem, it's a maintenance problem. But we've got fences that are not being maintained. We've got this part of the rental code thing was we've got folks that are not taking care of the properties. We've looked at a nuisance code, a lot of these things. So, again, I'd like to see this in a nuisance code if it's coming forward on the 19th, that if a fence is not maintained it needs to be removed. And what authority do we have to you know, we can find folks and those kind of things, what are the penalties for somebody that's not taking care of their stuff?

Ms. Bowers said I know we're probably all ready to get off this call. I'd be more than happy to sort of brainstorm with anybody on this, but it seems like maybe there could there be something to the effect of when a new fence is installed that the installer shall obtain a easement prior to installation?

Mayor Jadwin said I know we talked about that at one point, whether or not that would be part of the application process for the permit that you had to get an easement from your neighbor before you put it in. And I don't remember, I know we talked about I remember spending about an hour on just on that discussion alone, but I don't remember where we ended up on it.

Mr. Mularski replied I think we decided that you can either put it on close to your property line and get an easement or else it has to be, as Jamie had said, three foot off the property line or something like that. So you can maintain it. You would have to be an either because you can't force the other person to give you an easement either.

Mayor Jadwin said And the property you have the issue of if your neighbor moves, so you have neighbor A who gives you the easement, neighbor A moves away, the neighbor B moves in and they don't want to give you the easement and you've got a fence that's been installed. What does that look like?

Mr. Mularski said if it is a perpetual easement, you're ok.

There were no further comments.

Meeting adjourned at 9:53 p.m.