



# City of Gahanna

## Meeting Minutes

### Committee of the Whole

200 South Hamilton Road  
Gahanna, Ohio 43230

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

*Jeremy VanMeter, Clerk of Council*

---

Monday, October 10, 2022

7:00 PM

City Hall, Council Chambers

---

#### **A. CALL TO ORDER:**

*Vice President of Council Merisa K. Bowers, Chair, called the meeting to order at 7:03 p.m. The agenda for the meeting was published on October 7, 2022. All members were present for the meeting. There were no additions or corrections to the agenda.*

*Bowers reviewed the purpose of Committee of the Whole for those in attendance. She noted there is no opportunity for Hearing of Visitors, but there would be opportunity at the next Council meeting on October 17, 2022. There will also be a Public Hearing on the rezoning application of 5503 Morse Road, with proponent and opponent testimony permitted on October 17, 2022. She encouraged those desiring to communicate to email council at [council@gahanna.gov](mailto:council@gahanna.gov) or use the video comment submission tool on the City Council's webpage.*

#### **B. DISCUSSIONS:**

##### **1. Building Inclusive Communities**

[2022-0307](#)

SOI Nondiscrimination and Building Welcoming Communities  
10.10.2022

Lori Ann Feibel, Bexley City Councilmember, thanked Council and administration for being invited to speak on building inclusive communities. Feibel said that for the past nine years she had been honored to serve a very sweet community that insists that their representatives create legislation that promotes inclusivity and equality. In fact, Bexley citizens formed in the 1990s a community foundation that works to ensure Bexley is wonderful place to live, work, play, and care. When Bexley passed sources of income legislation, it gave Fair Housing laws a booster shot, reaffirmed its commitment for being

a welcoming community for all, and promoted equality and availability of affordable housing to those who wanted to make Bexley their home. Like most states in our country, landlords are not required to accept vouchers as source of payment for rental. This is often discriminatory against potential tenants. Landlords are prohibited from refusing rent to members of protected classes, but they do not have to accept vouchers. This sadly most affects the exact classes of people that we are trying to protect in Fair Housing laws. She said it affects families with children, ethnic minorities, and persons with disabilities. Regarding families with children, Feibel said that all she ever wanted was to be a mom. She got into public service and realized that not only could she make a difference in lives of her own three children but that she could mother children she will never meet. Feibel said she likes to say she legislates always wearing her "mom's hat." She wants for all moms to have a choice of what communities they want to live in. She wants them to want to come to Bexley and wants them to be able to come to Bexley. She wants them to come to Gahanna and be able to come to Gahanna. Feibel stated we know through data that children who come into our cities and have great opportunities that they prosper and do better educationally and make a better living. What we do not realize is how children already living here benefit. Feibel said we do not live in a bubble. We live in communities where our children have to be able to get along with all kinds of people of all kinds of economic and ethnic backgrounds. She said it is one thing to be invited to the party. It is a totally different thing to be invited to dance. We all learn wonderful new steps when we ask someone to dance. Feibel said that source of income legislation is something MORPC has on their agenda. They have known before Intel ever decided to come to our area that population was going to grow by one million people by 2050. They have prioritized the idea of supporting policies that work to eliminate racial and social disparities in our growing region. Enacting source of income protection laws to remove barriers to housing is meant to open housing to people with federal housing vouchers. When she looked to write this piece of legislation for the City of Bexley, Cincinnati had it already along with South Euclid, University Heights, Warrensville Heights, and Wickliffe. Bexley became the seventh in the state and first in Central Ohio to enact the legislation. She said when Gahanna passes this law, it will become the seventh in Central Ohio to do so. Feibel urged members to vote "yes" when the Ordinance is brought up next week.

Amy Klaben, Founder and Principal of Strategic Opportunities LLC, thanked Council and Mayor Jadwin for the invitation to speak. Building Inclusive Communities is part of Move to PROSPER and 20 organizations supporting the need to have inclusive communities throughout the region. The purpose is to advance understanding on the need for inclusive housing in the entire region, especially when addressing inclusivity in the workplace. Klaben said we will never have inclusivity in the workplace until we have children growing up together and learning to live together with people different economically, racially, and ethnically. Central Ohio has been the only region experiencing population growth for the past several decades while housing production at all price levels have not kept up with demand. Building Inclusive Communities have been hosting conversations to create dialogue about how Central Ohio

can become a region where everyone has the opportunity to decide where they would like to live, work, play, and raise their family. For background on why “Building Inclusive Communities,” Klaben referred to the practice of redlining. She shared a map from 1936. Redlining prevents African Americans and people of color from obtaining loans to access homes. That also impacts access to rental housing. She showed the areas of the legacy of redlining in Central Ohio. In 1936, people could not buy homes. Recent pictures show an opportunity map with areas of concentrated poverty. The two show the legacy of redlining in the community. The darker the area, the higher the opportunity (higher-resourced), which means access to jobs, higher-resourced schools, grocery stores and green space. She noted that Gahanna is one of the very darker colored areas with a lot of resources. She said it is not just redlining but the history of exclusionary zoning and housing discrimination that has prevented people from having the opportunity for choosing where they would like to live in the region. This is why Building Inclusive Communities has been hosting conversations throughout the region. The lasting impacts of segregation and housing is the loss of intergenerational wealth for families of color, as they could not buy homes. Additionally, there are reduced opportunities for individuals and families, as they are excluded from neighborhoods. There is a lot of research on impact of reduction of regional gross domestic product (GDP) because of segregation and housing. Employers are not able to fill jobs, as people lack access to where the jobs are located. This creates concentrations of poverty, which makes it very difficult for generations to move forward in their lives. Klaben said this is why we need solutions. Systemic solutions are needed to provide access to neighborhoods throughout the region. Adopting protection from discrimination due to one’s source of income (SOI) is the first step in a systemic solution. SOI is needed as it prevents landlords from refusing to rent to people because of the type of income they use to pay their rent. This is not just vouchers. It impacts veterans and people with disabilities, people who have alimony, or child support, that helps pay their rent. SOI discrimination perpetuates poverty and systemic racism. Feibel had discussed housing choice vouchers. Klaben added that three in five housing choice voucher holders live in neighborhoods with a high poverty rate. This makes it difficult to move up and out of poverty. There are 13,522 Franklin County vouchers in the region. Klaben said 87 percent are in Columbus. There are 48 voucher holders in Gahanna. This information comes from the Housing Authority. Two years ago, there were 57 in Gahanna. She noted that 80.7 percent are being used by minorities, with 78 percent non-Hispanic black. There are 50 percent who have a disabled head of household. Regardless of type of income, if you have an SOI ordinance, landlords retain their rights to screen and deny housing if people do not meet the eligibility criteria. Landlords may charge a security deposit. They accept nothing less than the market rent and can seek damages if the tenant violates the rental agreement. If a tenant has a housing choice voucher, the landlord needs to comply with inspections with the housing authority (at no cost to the landlord) and complete three documents. Regarding impact, rental assistance benefits landlords. If the tenant has a housing choice voucher, it is guaranteed rent. It is recession proof. Klaben noted that if a tenant loses their job or loses hours, the amount of the rental

support from the housing authority goes up and the landlord remains whole. This reduces eviction impact on both the tenant and landlord. Klaben noted that the community is facing an eviction crisis, so having a housing choice voucher is good protection. It mitigates housing cost burden for tenants. It enables them to use their funds for other purposes like food, health care, transportation, etc. It reduces discrimination as SOI significantly reduces denials for people with housing assistance. This benefits the whole region. Klaben said SOI ordinances are attractive because they allow families freedom of opportunity to choose where to live and makes it possible for lower income families find housing they can afford in low-poverty, resource-rich locations, such as in Gahanna. It opens up access to additional job opportunities. Rental assistance is also a way to create more housing that is affordable to people. We cannot build our way out of the need for affordable housing. Opening up housing that is market rate is creating affordable housing. This creates more inclusive communities. Being a property owner is a business. Businesses comply with many laws and regulations to protect people from discrimination. SOI ordinances are such a protection. The interference with their business is minimal. It is important to know that many landlords do accept housing choice vouchers, as they see the economic benefit. Are there unintended consequences? Klaben is not aware of any unintended consequences from adoption of SOI ordinances. The positive is that SOI ordinances are furthering the Fair Housing Act. It is important to educate both landlords and tenants after adoption of this type of ordinance. So far, 20 states and 121 cities and the District of Columbia have adopted this ordinance. Feibel had said at the time she started working on this in Bexley there had been seven or so in the state and now there are 17. After Bexley and others in Central Ohio adopted SOI ordinances, other parts of the state joined in following Central Ohio. Nationwide, nearly half of the voucher holders are living in cities with SOI protections. Klaben said HUD found that cities with SOI protections reduces denial rates dramatically. Once this type of protection is enacted, it helps people with other sources of income besides housing choice vouchers. This will create more affordable and mixed-income neighborhoods in Gahanna. This is how we create diversity and inclusive neighborhoods throughout the region. It will also help standardize and modernize rental practices throughout the region. Klaben shared that on November 16, 2022, there will be a program hosted by Building Inclusive Communities called Visualizing Density and Legalizing Housing in Central Ohio. For anyone interested in this free opportunity, more details are on [www.movetoprosper.com](http://www.movetoprosper.com). Klaben concluded that adopting SOI protection is one step in the process for legalizing housing for everybody, everywhere. She thanked Council for the chance to present. She said Jerry Valentine with Renter Mentor would be with Council next week to share his thoughts and answer any questions on how the housing choice voucher program works. He is an expert in the field.

Councilmember Angelou shared that during the September 29, 2021, Columbus Metropolitan Club, Building Inclusive Communities presented. Angelou shared a photo from that event, which included Angelou standing with the presenters. Angelou shared Gahanna's vision and mission which has

been around for many years. She noted this might be changed around, but that the vision reads “to be an innovative, model community the values its rich heritage, pursues high standards, and promotes respect among its citizens. The mission is to ensure an exceptional quality of life by providing comprehensive services, financial stability, and well-planned development which preserves the natural environment in order that city government will continue to be responsive, accessible, and accountable to our diverse and growing community of citizens. Angelou said she is very proud of this particular vision and mission statement. This tells what Gahanna is. Klaben said she did remember Angelou and thanked her for being at the Building Inclusive Communities program with the national speaker. She said everything that Gahanna stands for is what the SOI protection is all about. Klaben would gladly like to see Gahanna adopt this Ordinance and continue living its vision and mission. Angelou said that having worked with people with disabilities, she understood this.

Councilmember Padova said she went to the last Building Inclusive Communities. It was an excellent session. She encouraged Council colleagues to try and make the next one, as it was very informative. Klaben noted the last one was hosted with the City of Worthington. Bexley has also had programs with the organization.

Vice President Bowers requested that the Move to PROSPER YouTube video that was not able to be played at last week’s Council meeting due to audio be played for people to hear. The video was played for Council and the audience.

## **2. Economic Development Training Series #5 (Final)**

[2022-0308](#)

### Economic Development Training Series 5 - Final

Director Strum provided an overview of the last four sessions, including the basics of economic development, “tools in the toolbox,” TIFs, the income tax rebate program (currently revising, doing case analysis on what other communities are doing in this space), special units of government (CIC, NCA, SID, and E-SIDs), One Columbus and Regionalism, having an active pipeline, successes in Gahanna, housing in Central Ohio, and what affordability means in the City. As a side note, Strum discussed in consideration of the Move to PROSPER conversations and SOI, the city of Worthington classified that source can also be retirement income and federally subsidized wages. Strum continued his recap, noting Jeff Harris’ presentation on return on investment (ROI) and how the city is balancing the scales rather than going all-in on incentives. What does all this mean at the end of the day? Strum said one thing we heard a lot of is the ROI calculator. We go through the analysis and tax implications and the school compensation agreement. He reiterated being a partner in this with the schools. Strum said he would argue the compensation agreement is antiquated. We are still making sure our fair share is being done with the schools in terms of incentive arrangements. We are also making sure we calculate the values properly when doing these

projects. When Strum first got here, he and Councilmember Schnetzer had valuable debate on value of a building. Strum said he would contend this still has some intrinsic value, but that the value of a building had been removed from ROI calculations, and now we only see taxable revenues back into the city. One thing to highlight as part of the ROI analysis, as a government and public body, it is Strum's responsibility as part of the administration as Council's responsibility as elected leaders in the community is to tell him where the numbers need to be and where to weight things. He said he cannot just come in to say he wanted to have all electric vehicle (EV) manufacturing in Gahanna and that the city does everything it can to get every EV deal. This is a constant balancing in figuring out how to make deals make sense. Strum added that we are amplifying target clusters to include medical and general industrial manufacturing and building out a robust business retention and expansion program. This is working with existing businesses more than anything else. The goal is to support organic growth in community rather than chase something new and shiny. Strum acknowledged that the reality is we are seeing a significant amount on attraction-based rather than retention-based right now. There are concerns about workforce needs. He is having ongoing conversations about incumbent training, which is taking existing workers and elevating them in that workspace. Regarding housing, Strum said Franklin County should be building 14,000 homes per year but is building 11,000. This is making housing expensive and creating a shortage. This creates unsustainable housing cost shortfall because of the gap in supply. He said this is going to get worse, with Intel bringing 25,000 new jobs to the region. This is just Intel and does not account for all the suppliers. Strum stressed it is really important for us to have a heart-to-heart conversation on the need for housing, not only for Central Ohio but in our state and in our city. He said, for example, he and his wife could not find home in Gahanna. He said he had every intention to live in the community, but even with dual income, no children, and no school debt, they could not find or afford a place in Gahanna. This will get worse if we do not take a hard look at the realities of housing and making positive decisions on policy to create a better depth of housing sector solutions.

Councilmember Angelou stressed Strum was a great person for the City to have. She said the City is very fortunate to have Strum as Economic Development Director.

Vice President Bowers asked where Council goes from here. Strum said the City has the Incentive Advisory Committee, but only explicitly looks at the Office & Industrial (O&I) income tax incentive program. Strum said that in talking with the Mayor, he would like to have an economic development committee to help him better balance opportunities he hopes to bring to Council, rather than something exclusively toward O&I. He would like to talk to Council, the administration, and community partners on where we want to focus investment effort. He noted several examples of hearing things in the community about Mill Street, Stygler and Agler roads, and Hamilton Road and need to do more in the creek at Creekside. All these infrastructure takes capital investment and leveraging of capital investment to support public

financing. Strum said that the City does not have a massive depth of resources to support a lot of these projects. So, it is leveraging resources effectively. This means working with administration, finance, and working with Council to understand how to maximize these resources. His thoughts are this should happen less in a formal structure like tonight and more in an informal structure like a committee. Strum said he thought we had the structure and tools. It is now how they are executed and how executed more effectively. Bowers appreciated the feedback. She said the committee concept is something that has been discussed off and on. She appreciated this idea. Bowers expressed her thanks to Strum for his presentations.

**C. ITEMS FROM THE DEPARTMENT OF ECONOMIC DEVELOPMENT:**

[ORD-0062-2022](#) AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A REVISED DEVELOPMENT AGREEMENT RELATED TO THE PROJECT KNOWN AS THE CRESCENT AT CENTRAL PARK TO SUPPORT RELATED INFRASTRUCTURE NEEDS OF THE PROJECT AND EXPANDED USES WITHIN THE DEVELOPMENT SITE

Director Strum noted that Casto offered to come back to the next Committee of the Whole. They had to leave after the Executive Session. This is revisiting a prior agreement that had been approved last year to facilitate the development of acreage associated with the Crescent at Central Park project. What this revision does is allow for higher density of residential units. The original agreement had 240 units and the current request is for 296 units. Additionally, the revised agreement proposes a reduction in the commercial components and an expansion of office components originally envisioned in the agreement. What has changed from the original agreement is market conditions. The lower portion of the Crescent project on Buckles Court has sold out in near record time before it was finally platted. Strum said it is important to capitalize on this investment. He shared that what he has been told by the developers is that many interested parties are owner-occupied opportunities. Like what Mr. Harris said two weeks ago, we want avoid opportunities that are "incentive burners," (ones the go off to hunt the next deal at the end of the incentive). For Strum, this change notes this is a longer-term investment structure. What else has changed is increased infrastructure costs. He said we have seen a rise due to inflation of around \$700,000 to almost \$1 Million of additional costs. In the original project, there was a cap of just around \$3 Million and now in excess of \$4 Million in the TIF. He had to revise that value as well. He is happy to answer any questions he can.

Councilmember Schnetzer said with the redline copy, he wanted to make sure there was clarity on some items. With Section 4, reimbursement of cost, Schnetzer's understanding is that in the existing agreement from April 2021, the city committed to reimburse \$1.4 Million over total estimated cost of \$3.4 Million in various public improvements, specifically the street, with a penalty interest rate of four percent. It looks as though the proposed revision shows a cost increase from \$3.4 Million to \$4.4 Million and penalty rate adjusted up to

4.5 percent. Schnetzer said it also appears to show that original \$1.4 Million reimbursement from TIF funds but also includes a new item of State Infrastructure Bank (SIB) loan. Strum said he had forgotten to bring this up. He explained that as part of financing this project to help offset and serve as interim financing of this project, there was inclusion of a SIB loan. The City just did one of these for ADB Safegate for the extension of Tech Center Drive. Casto saw that action as an opportunity for them as well to use a non-committed SIB at a lower cost of capital. The SIB was approved today for ADB at a three percent interest rate for five years. Strum anticipates that given a longer-term project, they are closer to one and a half to two percent for a 30-year period on a loan. He has already spoken with ODOT to see if this is even feasible or reasonable. He said ODOT was very receptive to initial overtures. In Strum's eyes, it is a lower cost capital. Schnetzer said he understood. He said it appears based on the language in redline, the City or the TIF would be on the hook. Strum said the TIF would guarantee the SIB. Schnetzer asked if the TIF would pay the SIB. Strum said yes. Schnetzer said the proposal then is to change from the original agreement for a city commitment of \$1.4 Million to an increase to \$3.4 million. Is this correct? Strum said that is his understanding.

Councilmember Angelou asked with the SIB, are those rates locked in? Strum said it is a non-variable rate. During the construction period, no payments are due in first 12 months, and then it is interest-only and goes into full repayment for the last 27 years or so with no penalty for pre-payment.

Strum said in part of the ROI included in the legislation, the full value of the TIF costs, the reimbursement piece is included in the ROI calculation on the summarization page. This cost out is part of the two to one number. Councilmember Schnetzer asked if this is a typical structure when it comes to SIBs. He said he understood where the city through guaranteeing it and through intergovernmental agreement being able to get a below market interest rate. He said there is obviously an economic value for that. Is it typical for the City to actually pay the loan for something like this where it is not necessarily a thoroughfare but essentially a sub-street that serves a private development? Would, perhaps, a better alternative agreement that the developer commits to pay us back? Strum said it is a fair question. He would argue there is no "typical project." Strum said he was not quite sure of it himself, which is why he reached out to ODOT for any anecdotal evidence they had, or examples of this type of project in their portfolio. He said we can revisit to find cheaper or comparable capital. He said this is something in trying to move the deal forward. Schnetzer said that with this being the first Committee meeting, at this juncture he is amenable to the idea of getting cost down as much as possible. Going from an existing agreement with city commitment of \$1.4 Million to potentially extending to \$3.4, it seems like quite a jump, and he needed time to digest it. Strum said he will share this feedback with development team for them to respond at the next Committee meeting.

Councilmember Angelou said it seemed that waiting could cause some more



inflation and cost more money. She said the important thing is to get this moving. She thought the City had worked on this entire project for three-four years. She stressed the need to move forward because it was going to be important for the community. Angelou said she had talked about inflation this entire time. Strum said he thinks the bigger challenge is market accessibility versus trade labor. One of his biggest concerns is as the operations of Intel continues to evolve to our northeast area, access to labor and materials, even if inflation steadies off, those markers are becoming more strained.

Vice President Bowers referred to the bottom of page 5 and top of page 6 on the redline agreement. For understanding, she said the Crescent commercial property this was just the lower or western half of the total Buckles tract. Strum said, no, this was the full tract. Bowers clarified this then included the eastern upper development. Jadwin clarified that the eastern portion of where Walnut Creek is that is not included. Bowers said when talking about incremental assessed real property value, how this language strikes Crescent commercial property and changes it to Development Land and aggregate, she is confused by the language. Strum said this probably needed reference to an exhibit to identify the real estate. Bowers said it is still in Section 4, Reimbursement of Cost, which is at the top of page 6 of redline. Strum said the revised site plan tied to the project is on page 16. Bowers said this would be coming back to Committee for more discussion. Strum said he would reach out to the developer to clear up these things.

Attorney Mularski said he wanted to make sure everyone is looking at what this document is. He said on page 10 under additional residential, at the very beginning it has lines crossed out. Those lines do not exist in the current document. Those were crossed out last time before we entered into the final agreement. He asked where this came from. The current agreement starts with Casto as the owner. Mayor Jadwin asked if this is a redline of the redline. Mularski said he is not sure what it is, which is why he is asking. Strum said he will need to circle back with the developer team. Jadwin said that to Mularski's point, they needed to pull up the actual approved agreement and make sure they are comparing. Mularski said this is correct. He noted further that on page 10, section 7 on the redline version (7 b) showed that it starts out with Casto as the owner of the commercial property and all the stuff that is crossed on the beginning does not exist in the current agreement. He said that was the exact redline in the previous agreement. Bowers asked given this, would the Committee like to retain in committee or move forward to first reading. Strum said his preference would be to move it forward to first reading and then bring back to Committee for a follow-up meeting. McGregor said it can stay in Committee for more than one Committee. Bowers said it would need to be tabled at second reading. She would rather hold it here than do that. Angelou thought things could be worked out. Strum said he was confident it could be worked out and brought back for a follow-up Committee meeting if everyone was comfortable with the overall intention of the agreement and to move forward with first reading. Jadwin said part of concern is the rate with which costs are increasing and any delay is going to exacerbate that situation. She said, if Council takes it to first reading next

week and bring it back to Committee for fuller discussion with the applicant and the correct redline version, this at least moves things forward, if comfortable, even if tabled afterward. Bowers said once it goes to first reading, any amendments are going to need to be addressed before a second reading. Jadwin said that is correct. Renner said he was comfortable with this, as nothing is seemingly catastrophic. Schnetzer said these were big numbers. Bowers added these were big numbers to rush it.

President Renner said Council has a nice ROI chart for this new deal. He asked whether Strum could show what the original deal was. Renner said he went back to the original ordinance but did not see anything. Strum said his hunch is that one was not done when the original deal went through. Renner asked if there was any way he could create something that shows so Council can sort of compare. Jadwin asked if he was looking for something that would show agreement one versus agreement two. Renner said, yes, to Councilmember Schnetzer's point, Council is being asked to put in some more money now. He understands that there is \$25 Million in payroll tax and other things coming back to the City but he needed to understand a "before and after" type of thing. Strum said he understood and would do his best to look at the original number and he might need to lean on Casto. He will need to look at what estimated job numbers would be, such as with hospitality and event space hosting to get estimated values. Renner clarified he did not see anything catastrophic in the legislation itself, whether members want to vote "no" eventually that was fine. He was more interested in a steadfast process and put together something that represents what the applicant wants and legislatively that it holds everything Council wanted. Bowers said that is why she would be more comfortable in making sure Council has the right package to move through the legislative process. She acknowledged Mularski nodding as well. She said she had a strong preference to keep this in Committee one more time, with the expectation to move it to first reading after that. Schnetzer said he had no objection to that. Bowers said this was an important project and to get it right and for it to be a clean process. She would prefer to do this rather than potentially amend.

**Recommendation: Hold in Committee for further review on October 24, 2022.**

**D. ITEMS FROM COUNCIL OFFICE:**

[ORD-0056-2022](#) AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF GAHANNA ADOPTED BY ORDINANCE 198-96 ON NOVEMBER 19, 1996, AND SUBSEQUENTLY AMENDED; CHANGING THE ZONING DISTRICT OF 13.96 +/- ACRE PARCEL LOCATED AT 5503 MORSE ROAD, PARCEL ID 025-011219 FROM ESTATE RESIDENTIAL-1 (ER-1) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD); PROJECT MORSE ROAD 14, SCOTT HARPER, APPLICANT

Vice President Bowers noted this item is back after first reading. She said a letter was received that Doug Ervin sent to Council Office regarding meeting

with condo association members from Amberlea and Windward Trace. Bowers asked if Ervin could speak about this and confirmed with the Clerk reference to this letter in the minutes (see file attachment to the Ordinance).

Doug Ervin, Stonehenge, said that the company has tried to be responsive to concerns and continues to dialogue and work with representatives from both condo associations. There have been very productive meetings between the parties, with each party becoming more familiar with the other party's views and expectations. Ervin said they tried to communicate their approach with the multi-family zoning with the understanding that there is nothing final in terms of a plan at this point. In the letter, Ervin said they wanted to lay out four commitments the company could commit to and continuing to work with the condo association representatives. Bowers asked if there was another meeting planned. Ervin said, no, they had just met last Friday. She asked if Ervin could speak about the issue of the traffic light raised by one of the members of the public from last week's meeting. Ervin said consultants performed a traffic impact study. Given that Morse Road is part of the multi-modal thoroughfare plan. The City of Columbus and Gahanna have simultaneous reviews due to the corporation line boundaries of Morse Road. At first, the company was asked to shift an alignment to the east to see if it warranted a signal near Lifestyle, the Preserve Crossing. In a subsequent review, it appeared as though there may be a signal that appears east of them, and the company was asked to move their secondary access point west. So, they do not interfere with traffic at Preserve Crossing. They understand that more likely than not there is going to be signal with potential commercial development east of the site. Bowers asked what other types of multimodal travel would be there, such as multi-purpose path or sidewalk on Morse Road. Ervin said they are not aware of anything being contemplated. They are going to build the existing walk. They will adhere to the increased setback to introduce other pedestrian-friendly, cycle-friendly lanes within the right-of-way. Ervin said they are required to install a taper lane to the site. They have always contemplated a gated community, with a mini roundabout or turnaround in the front, so as to not create an issue with traffic.

Councilmember Schnetzer, directing comments to Director Strum and Director Blackford, said looking at the map that shows the suburban offices adjacent east and west, he is curious if anyone knew the approximate acreage to parcels to the west. Blackford said to the west is 2.74 acres for part of the parcel for Sage Park and another 1.23-acre parcel, with a total of about four acres, and two acres for other suburban office piece. Schnetzer asked about the Dogs Only property. Blackford noted that was further west in the community commercial portion of the map, consisting of two properties there that are both one acre. Schnetzer asked if there was anything that would prohibit subdivisions. Blackford said they would need to rezone to get more density to make it worth platting and going through that process but nothing prohibiting that option.

Councilmember Weaver asked if the City Attorney could weigh-in on his comments. Weaver said they have heard (and echoed Renner's thoughts on

following a good process) repeatedly is that the application is the rezoning and best use of the property. His question as it related to Planning Commission and their action on variances and conditional uses is whether those that were approved at the time by Planning Commission fall within the proper purview for Council when weighing the rezoning application. Mularski said Council can take into consideration that the conditional use and variances were granted. If one were to vote yes for the zoning, those variances and conditional uses would go into effect. They would not go into effect if one were to vote no on the zoning. He asked if this answered Weaver's question. Weaver said yes.

Councilmember Angelou reiterated that Council was just doing the zoning and not doing various things that might happen with the final plan. She said she noticed in Stonehenge's letter received today, that they talked with people also in attendance tonight (from the condo associations) and that the company believed it can increase setback on the south and western boundary. She said while she did not know why Council was talking about this, but that it seemed there was some success with coming up with 30 feet, which was more than required by Code. Ervin said, yes, Code requires 25 feet of setback, and the company feels very comfortable with an additional 5 feet. They are trying to get to 35 feet. With existing setbacks of Windward Trace, for example, there would be 55 feet, and the goal is to get to 60 feet combined. Angelou said it looks as though there is potential of being good neighbors. Ervin said absolutely. He lives in this neighborhood and has been here since 1993. They are respectful of people's concerns. It is a heavily wooded site. His biggest reservation when putting in undergrounds they may affect root systems of some trees. He said they would like to keep as many of those trees as possible, as this means fewer that they would need to put in if this were to move forward with the multi-family development. They are mature trees and would take a long time to reproduce. Also, along the Morse Road frontage, given the need to shift their alignment, they are trying to keep nice hardwood as a screen for property. Ervin said they are exploring all of these ways to move buildings and adjust buildings to create separation and be good neighbors. Angelou said an eight-foot privacy fence also appears to be an option. Ervin said, yes, and they have had discussion on this and will show materials to both association groups. There had been concern from Amberlea Village about previous developer promising them a fence. They did not have it in writing. Consequently, they did not get a fence. Ervin said Stonehenge does not want to do that. If they say they are going to put in a fence, they are going to put in a fence. Angelou thanked Ervin. She said it was nice there was a conversation occurring between the company and condo associations.

Councilmember Padova said she thought her question is more for Attorney Mularski. She acknowledged Ervin, and said she appreciated keeping up to date on communication with residents. With that being said, are we able to ensure something will be followed-through? Mularski said Planning Commission would be doing this when they are going through the final plans. Mayor Jadwin said Director Blackford could also speak to that. Blackford stressed that what is before Council is a rezoning. If approved, the color on

the map changes. If there is any agreement in this room, it is in this room. It is not a conditional rezoning. He cautioned that when Council is talking about things here, he does not know how that gets into agreement and then implemented by a different body that is not part of these conversations. These conversations are just to change the zoning, not for five feet additional above what the code would allow for. This is something Planning Commission looks at and has discretion over.

Vice President Bowers asked whether one of the variances that was granted was a setback. Blackford said, no, there were a few various variances. One was with lot width. Bowers asked if the lot width would address the setback issue. Blackford said, no, as in this case they do not meet the lot width. Even with 1,000 feet or whatever the lot width of the property is, they still must meet the building setbacks. They have not asked for any variances yet as it is premature, but based on density they have proposed, there is no reason they cannot meet setbacks.

Councilmember Weaver said he digested what the City Attorney said in response to his last question. He clarified that it appeared it is proper for Council to consider the fact there were variances and conditional uses approved at Planning Commission when the rezoning was recommended, but it is not necessarily proper for Council to consider the specifics of those variances and conditional use. Mularski said that is correct. Basically, the drawing Council sees is meaningless. It is a general description of what may happen. It could be totally different by the time it is reviewed in Planning Commission. It does not mean anything until the Planning Commission meeting. Weaver said should rezoning be approved, there would be a final development plan that would be going before Planning Commission, which would include lots of public input and working with the developer. Weaver said he appreciated Ervin attending to answer questions.

Councilmember McGregor said this has happened before that Council changes zoning to multi-family based on particular plan that is presented to Council. If, when three or four years goes by and nothing is built and another plan comes in that was not anything like what Council previously considered under the original rezoning, is there a way to tie down a project? She said not this project, but before, if it was said something would be one-story condos (multi-family) and the zoning was changed, could it come back as 150 apartments? Could Council prevent that from happening? Blackford said he understood the question. Various communities take different approaches. A lot of them require almost all rezonings to be a Planned Unit Development (PUD). He is not a strong advocate for that, but Council would have [some control]. McGregor said she thought the City had this before. Blackford said it was more than 20 or 30 years ago where it said no more rezonings. It was a PUD but in name and not in how it is implemented. It is not what today's code would say is how PUDs are. He said it is great for developers but time intensive and costly. There are some pros and cons. This is the main approach he is aware of that communities take. Part of it is caution that staff does a better job of making sure everyone understands what is before them.

He said with all the conversation there is tonight, it is around the project. Council is not approving a project. It is approving the zoning change. Blackford said that when changing the designation, there could be all the good intentions in the world to do X, Y, and Z, but over time the project is not successful and gets redeveloped. Moving forward, Blackford said he would make sure it is understood that the decision is about the zoning, not about the project. McGregor said she would rather know if they had to come back, if this project does not go through that it would revert to original zoning. Blackford said this is not legal anymore. He said it makes sense, but reversion clauses are not legal. The City had these at one point in time, but there are no conditional zonings to allow this. Bowers said what muddied this up is that conditional use and variances were approved at the same time rezoning was recommended. It came to Council as a project, which makes it hard to separate that. In theory, she can take a look at this parcel and say, yes, multi-family seems to fit-in with the adjoining parcels. It just makes it hard for Council to separate these things but understands the emphasis from Blackford.

**Recommendation: Second Reading/Adoption on Regular Agenda on 10/17/2022. Public Hearing scheduled for 10/17/2022.**

[ORD-0061-2022](#)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GAHANNA, ENACTING CHAPTERS 790, 791 AND 792 TO CREATE A FAIR HOUSING BOARD, TO ESTABLISH HOUSING NONDISCRIMINATION LAWS, AND TO CODIFY AN AFFIRMATIVE DEFENSE TO EVICTION COMMONLY REFERRED TO AS PAY TO STAY

Vice President Bowers noted this is coming back for additional discussion. She said there were a few outstanding questions that she wanted to address. She believed Council had received some answers to several other questions through presentations and other circulated information. She said Councilmember McGregor had asked last time in Committee about how Supplemental Nutritional Assistance Program (SNAP) works and that retailers were not required to accept SNAP benefits, for example. Bowers said this was an apples to oranges comparison from the way she understands it. Grocery stores must sell at least 50 percent in staple foods (produce, dairy, cereals, breads) in order to be able to qualify to take SNAP or EBT benefits. The retailer would need to prove that at least half of their sales were in the USDA approved categories to qualify. There has not been an issue with needing a sufficient number of grocery stores to meet needs of the population. She said she remembered seeing signs at convenience stores about no food stamps or SNAP benefits. She thinks those are there because businesses have not qualified through USDA to be able to sell. Bowers said one of the comments that Jeff Harris made in the last Committee was that some of the tax incentives the City provides is to fix market deficiencies (such as cleaning up a factory). With the example of the market deficiency, the City is using public dollars to fix the deficiency. Bowers sees this legislation as way to correct market deficiency. She said we have an insufficient number of landlords willing to accept vouchers for various reasons. By closing the gap

on preventing landlords from refusing to accept housing choice vouchers, Bowers said this will help get us over a market deficiency or inaccuracy. Bowers said that Mrs. Hoffman had asked previously about unintended consequences, and what would stop landlords from raising rents. Bowers responded landlords can still request market rates. What this legislation anticipates is that, for example, if rent is \$1,000 per month and the voucher is \$700 month, the tenant could potentially still qualify if they could demonstrate the difference. In conversations with Affordable Housing Alliance of Central Ohio (AHACO), Bowers is not aware of mass reaction to legislation like this where rents are going up. This is not fixing or preventing rents from going up. The market is dictating this right now. This is evidenced by all kinds of presenters that have been before Council in the previous weeks.

Councilmember Schnetzer said two weeks ago he had asked whether City Attorney and Mayor's office had time to look at this and give feedback on how the administration/implementation of this legislation would impact the City. Have either had an opportunity to make this assessment? Mayor Jadwin responded that until implemented, she does not know the impact it would have administratively on the city. She said she appreciated all the work put into this. As someone who has practiced in legal field of employment law for almost 30 years, Jadwin respects the intent of what this legislation trying to achieve. One thing she struggles with a little is what problem Council is trying to solve here. Jadwin said if she heard correctly, there are 48 households on housing vouchers in Gahanna. If one were to divide this by the number of households, that is 0.31 percent of households that might be having this problem. Jadwin said she did reach out to some of the other municipalities that have implemented this legislation, five were looked into and three she had contact with. She asked how many cases they had on this since enacted. She noted Bexley had one and the other two municipalities have had none. She reiterated that her struggle is identifying the problem we are trying to solve, and understanding what administrative resources are going to be used to implement a program. Jadwin understands and respects where we are trying to go with this in terms of being an inclusive community. She does not disagree with this at all but says it is difficult to understand the resources, which is the time and attention and financial resources, that would be devoted to a program. You can only have so many things on your plate. Once you add something else to turn your attention and focus to, it takes away from something else. She asked what we are giving up if we are going to be focusing on this. She said she does not know the extent until we go through it. However, in looking at what other municipalities have done, it does not seem to be a significant issue. Mularski said from his perspective and understanding where this is coming from is the vast majority is a policy decision the Council needs to make. [Council] needs to decide things like requiring landlords to accept vouchers, which is what he believes Council would end up doing since landlords must consider this in the source of income. That is fine, if that is what Council wants to do. It is a policy decision. The only thing Mularski noted is that issues that come before the Fair Housing Board under 791.08 (e) are matters not covered by state or federal law. He prefers having the same laws as the State of Ohio. There are reasons why

you want to step outside those boundaries and have other laws that are not state or federally mandated. This is fine as a policy decision, but Mularski thinks this is what Council would be doing here. He said he is not saying it is wrong, but just pointing it out. Another section (791.08 (b)) says even a third party, not an aggrieved party, can file one of these complaints up to year later. Mularski said this means anybody, not even party to the action, could come in up to a year later and file a complaint on this. Mularski finds this to be a little far-reaching. If that is what Council wants to do, that, too, is a policy decision. Jadwin asked to this point what would be the standing that someone would have if they were not a party and not impacted. Mularski said Council would be giving them the standing. It is a third party, which could be an organization. He said for instance, the NAACP comes to mind. They could a year later file a complaint that someone did not want to file in the first place. This would allow for that to happen. Schnetzer said Council makes the laws, but is not doing the work per se. The basis for his question is for the people doing the work and something to be cognizant of. Schnetzer said Mularski brings up a couple technical matters that is new information. Does Mularski see any risk to those? Mularski said anyone can sue anyone at any time. This is dealing with discrimination, or alleged discrimination. He would assume it would involve two parties that are very passionate about their positions. So, if one part does not like what the City of Gahanna decides either for or against in a complaint, he could see being sued. He noted we have immunities and defenses. Schnetzer asked, specifically, would Mularski's opinion be these sections he referenced be cleaned up to minimize risk or exposure there? Mularski said he did not know about exposure because they are more policy decisions. He reiterated earlier points about whether Council wanted to cover matters not covered by state or federal law. If it is a third party, not aggrieved party, the City would be giving them the standing. He said he could see this being challenged and would need to think more on. Schnetzer said two weeks ago when he asked a similar question, there was a comment made about phone calls made around the region that the caseload would be fairly minimal. The legislation proposes creating a Fair Housing Board. Schnetzer asked whether others might agree that (due to the similarity with Property Appeals Board structure) rather than creating the Fair Housing Board and staffing it with individuals who might not have much to do, would it be better to expand the responsibilities of an existing board? Bowers said this came up early on when working with Assistant City Attorney Matt Roth and the administration. The idea was that the Property Appeals Board deals with very distinct issues, whereas this would be a three-member board with annual training. With Property Appeals Board being so new and the statute needing some adjustments, she thought it would not be good to throw this onto it. Schnetzer said he knew appointees can be frustrated when there is not much to do. Schnetzer said it seemed logical to expand authority or purview of the Property Appeals Board to include this as well. Jadwin said she did not have a vote in this but added that this was part of conversation she had as well. We have a plethora of boards and commissions in the city. Given the case that we are looking at other municipalities as to what they have, perhaps it starts with Property Appeals Board and their scope of responsibilities is widened. She noted there are two attorneys currently serving on the Property Appeals



Board right now who would understand the background. If the City finds there is an inordinate number of cases requiring people to meet more regularly, then you could go back and revise the code. In the meantime, Jadwin added Council would not be creating yet another board.

Councilmember Padova asked with the other communities talked to with this, did they have their own board? Bowers said it varied widely, as some did not have any board. Rather, these communities relied on a fair housing officer that was deciding. In some other communities, they would refer to the city attorney for criminal consequences, which is something we were looking to avoid. Mayor Jadwin asked that in the communities with just a fair housing officer, how was that working, and what was Bowers' thought with regard to going from a fair housing officer to having a board? Bowers said the thought was the panel would be impartial and make training specifically related to OCRC-related and Gahanna's adopted statute. There would be more community participation from people who know the community and specific training and looking to avoid a criminal consequence. Bowers said she thinks the skillset needed is more related to Civil Service Commission, rather than Property Appeals Board. She said the Property Appeals Board is more related to building code, whereas the Civil Service Commission is composed of more human resource perspective. If Council were to combine this with another board, Bowers would see Civil Service Commission as more appropriate. She is open to ideas but thinks this could be amended if it is decided to eliminate a Fair Housing Board in the future. Schnetzer said he is trying to approach this from the fact that many of these boards meet so infrequently. Some have turned down post appointments because they have wanted more. Again, his comments were from many of the appointees' perspectives. Schnetzer is in support of the idea. Just based on description, Schnetzer thought it reads a lot like the Property Appeals Board. If it is Civil Service Commission, that is fine. Bowers said they had started with the Property Appeals Board statute and then changed it. She said she appreciates this perspective. The hope is that this Board can be dissolved in the future if all cases could be referred to OCRC. Bowers said dissolution of the Board would be a goal.

Vice President Bowers said there had been a question about creating the enforcement right to person or organization that was not the aggrieved party. The idea behind this when originally put together was that this would be someone who had some relationship to the applicant, such as CMHA or something to that effect, not necessarily just a stranger. They would need to have sufficient information directly from the applicant or the aggrieved party and the aggrieved party would still need to participate. The idea was this was creating the ability of an advocacy organization being able to support an aggrieved party. Councilmember McGregor asked whether they could do this without having it say that they could bring it separately. Could they still participate if the client asked them? Bowers said if it was an attorney specifically. If it was a non-attorney, then they would not be able to do that. Mularski offered that since this is not a court and is just a board, they might be able to participate. McGregor said she was thinking they would not need to be

an attorney to go to this board. Bowers said they did not need an attorney. McGregor asked why the complainant could not have someone else go with them. Bowers said they could ask someone to go with them. The intent behind the existing provision was if there was some type of advocacy organization, they could file a complaint as well. Mularski said he sees why Schnetzer suggested Property Appeals Board because this deals with real estate, but this is really not about real estate. Mularski sees Bowers' point for using Civil Service Commission since this is about discrimination and not property.

Councilmember Weaver said he preferred a standalone board as it is. He said Council could reevaluate in a year based on the number of complaints whether it would be more beneficial to merge with another board. As the structure stands now, he is comfortable moving forward as is and reevaluate later. Bowers said she is receptive to amending the enforcement section about the filing party. Mularski said this would make him feel better about the language. Bowers said the edit would be to 791.08(b), changing it to say an alleged aggrieved party may file.

Councilmember Schnetzer said there was reference to the "Pay to Stay" rights. There is this idea of tendering rent and there seemed to be some implications there. Schnetzer asked whether Bowers could review this. Bowers stated that if a tenant falls behind on their rent, the landlord needs to accept the late rent with penalties before a judgment of eviction is rendered. Schnetzer clarified whether adding this meant that this was the law in Gahanna and if it was not added, it would not be the law. Bowers responded that we are codifying an affirmative defense to eviction. Council would not be creating a framework for anyone to be able to enforce this in Gahanna. The law is saying one would have a defense to that eviction if you have made or attempted to make full payment of your rent. Bowers added that one could go to court and say Gahanna's law says the landlord has to accept past due rent, so therefore the judge should not grant an eviction. Mularski said this is a defense in equity, which meant that a court can decide what is fair. The court could grant this defense. It does not say the court must accept it. It just grants the person the ability to use this as a defense. Schnetzer said it sounded like in certain cases the late payment is being used as a pretext to get people out for other reasons. Is this what Council is trying to safeguard here? Mularski said, yes, it could be that this is the third month in a row that they have been late, but it could be any other reason. It could be they just do not want the person in there anymore because they have been causing some trouble. They do not have any other grounds to get them out, but the rest of the tenants would like to see them out. Bowers said the landlord can still evict for those other reasons that are breaches of the lease. She said she did not see this as creating an incentive because it does allow a landlord to create late fees and penalties, so there is no incentive to continue to be late. What if one keeps doing this over and over again? Bowers added the landlord still had right to screen the tenant; the landlord set the term as a maximum of 12 months. The relationship is naturally going to end so she does not see it as becoming a significant ongoing problem. Schnetzer said this part of the

proposed law was educational for him, as he was not familiar with the terminology. Mularski added with it being an equitable defense, if it is the third time raising that defense, the judge could say it is no longer fair to use.

Councilmember McGregor said when the councilmember from Bexley spoke, McGregor understood her point. Bexley is a very different community from Gahanna. A lot [Feibel's] points do not seem to be relevant here. McGregor said a few years ago during Coffee with Council there was a young woman who talked about being thankful for Gahanna's one high school and the course offerings. The woman had added there was such a diversity of students in the school system. She shared that once you have graduated from Gahanna, you can go anywhere and get along with people because you have grown up with them due to the diversity embedded in education. McGregor said she goes back to what Ms. Hoffman had spoken about regarding the Ordinance regarding what the City was trying to solve. McGregor said this does not seem to be an issue in Gahanna. She stated that Gahanna has affordable housing. She thought there were probably thousands of affordable houses compared to the region, understanding that costs have gone up. There is diversity in neighborhoods. This was not always the case. The City has worked hard to encourage diversity in all neighborhoods. At any school in Gahanna, you can go and see that we live in a very diverse community, which is a good thing. McGregor said she knew a lot of work had been put into this. She just does not see this is an issue that needs addressed. This is her basic problem with ordinance. Bowers said she appreciated this. One of the recurring comments that has come up in this is "not seeing a problem." Bowers said she appreciates comments on Gahanna's diversity. This is one of the reasons why her family sought out the community when moving ten years ago. Bowers said there are 12,600 active vouchers through CMHA. There are 48 in Gahanna, which is 0.007 percent. Bowers said that the City is not taking its fair share here. She said she did not mean to make this all about vouchers, but we do not have a per capita percentage that we could and opportunities that we can provide to people to get them hand up. Bowers said she does think the City did have an issue that can address through source of income nondiscrimination. There are 24,000 on the waitlist for vouchers. The other issue is with some market research that has been completed, only about half of the complexes in Gahanna will accept vouchers. Bowers does see a need for the City to improve, even with as great of a community that we are and can support people so that they can thrive. Bowers reiterated she sees why this legislation is needed and how Gahanna can be playing a part across the region. She encouraged colleagues to click on the link she shared previously to listen to the opening presentation by Rick Kahlenberg, senior fellow at the Century Foundation, in the Columbus Metropolitan Club's forum. Kahlenberg had important data and underscored why this is an important policy decision for the region.

Councilmember Schnetzer asked in event that a violation does occur, what is an individual's pathway for remediation? Bowers responded that without this legislation passing, Gahanna has no housing nondiscrimination laws on the books at all. The only thing that applies is Ohio law. Bowers said HUD

encourages locals to adopt housing nondiscrimination policy. Bowers said the Ohio Civil Rights Commission has enforcement powers over housing nondiscrimination. Angelou said HUD was federal. Bowers said that Ohio was in partnership with HUD. She said she was sure there could be another expert that could explain that relationship more thoroughly. Angelou said she had attended an event related to HUD with a representative talking about people not taking advantage of HUD resources. Angelou questioned whether HUD could do something if there was problem here, rather than the City having its own board. Bowers said HUD could not currently because there is no state or federal law on source of income. Schnetzer said as much as Council has seen over the last year, whether resident groups coming forward or experts talking about source of income, it appeared there is a clear gap. Conceptually looking at the legislation, you can break it apart between source of income, where 90 percent of the conversation has been, and the federally protected classes. Currently, federally protected classes can go to OCRC. Schnetzer said, though, with source of income there is nothing. Bowers said this was correct. She added locals were encouraged to set up a framework to mimic federal protected classes as part of nondiscrimination statutes. Schnetzer asked whether this introduced a layer of bureaucracy that might impede timely resolution. Bowers said the fair housing officer would refer federally protected class discrimination to OCRC for enforcement. Schnetzer said they could still directly to OCRC if they wanted to. Bowers said this was correct.

**Recommendation: Second Reading/Adoption on Regular Agenda on 10/17/2022.**

[RES-0032-2022](#)

A RESOLUTION DESIGNATING OCTOBER 28, 2022, AS "HONORING FIRST RESPONDERS DAY" IN THE CITY OF GAHANNA

Vice President Bowers said she had drafted this Resolution. She stated she did not realize this was not a thing until the late 2010s. This came up after the Boston Marathon bombing. Nationwide and a couple other organizations started recognizing National EMS week and National First Responders Day. Bowers said her husband is a 22-year veteran paramedic in Delaware County. She wanted to recognize those first responders who live in Gahanna and work in Gahanna. Councilmember Weaver thanked Bowers for putting this together.

**Recommendation: Adoption on Regular Agenda on 10/17/2022.**

**E. ITEMS FROM THE DEPARTMENT OF ADMINISTRATIVE SERVICES:**

[ORD-0063-2022](#)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MICHAEL SCHUSTER ASSOCIATES, INC. FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE RENOVATION AND EXPANSION OF 825 TECH CENTER DRIVE; WAIVING SECOND READING, AND DECLARING AN EMERGENCY

**Recommendation: Introduction/First Reading on Regular Agenda on 10/17/2022, Second Reading/Adoption as Emergency on Regular Agenda on**

11/7/2022.

[2022-0309](#)

## MSA Presentation COTW 10.10.2022

Kevin Schultz, IT Manager, noted the Mayor signed the purchase agreement and the \$300,000 escrow payment was executed. The sale is progressing. When conversations about 825 Tech Center Drive were going well between the administration and Council, the administration found it prudent to publish a request for proposal (RFP) for design services for this project. The only thing this cost at the time was staff time in the execution of the RFP. Once Council voted on the purchase of the building, staff executed the interviews of the shortlisted respondents of the RFP. The RFP included planning and building organization, design services, construction/bid document services, and construction administration services. Schultz noted the City received 10 responses from different vendors throughout Ohio and one vendor from Indiana. The proposals were scored and three were shortlisted for interviews. The median price point of the 10 different proposals was \$2.357 Million. The high point of all proposals was \$3.56 Million. The high point of the shortlisted was \$2.8 Million. The MCP budget estimate previously discussed was \$2.7 Million. As the City went through the interview process, Michael Schuster Associates, Inc, or MSA Design, became the preferred vendor. Schultz said it became clear that this firm's experience matched the uniqueness of the project (for a Police HQ and City Hall and Senior Center). With three different uses that need accounted for, MSA Design shined through in all different areas. They have great municipal government experience and also police headquarters. They also have multiple business sector experience, such as the sports industry, lifestyle complexes, and corporate offices. They have done renovation and expansion projects very similar to our project. Schultz said this firm had assembled a strong team. He displayed a slide with some examples of municipal projects the firm had been part of, including City of Grandview Heights Community Pool, Liberty Township Administration Building, Upper Arlington Community Center, and City of Dublin Police and Courts Facility. The legislation requests hiring of MSA Design for the architect of record, or the City's point of contact on the project. They have an established team that works in conjunction with them to see the project come about, including mechanical, electrical, plumbing and technology engineers, civil engineers, structural engineers, landscape architects, and geotechnical consultants. There will be relationships with these separate engineering firms through MSA Design in this project. Schultz noted the following five phases and approximate timeline for the project: concept and predesign (45 days), schematic designs (45 days), design development (60 days), construction documents and bidding (75 days), and construction administration (8 months). MSA Design was the low bid, coming in at \$2.055 Million (which includes \$99,000 in allowances and 20 percent contingency at \$326,000). Since they were the lowest bid by quite a bit, the City asked what could be missing. MSA went back to their vendors and confirmed numbers. However, they arrived at a 20 percent contingency, which must be signed off by the City. Schultz said the firm believes the contingency is a high number and does not feel they could come close to this number. Schultz said the City is

not asking for a waiver but asking for emergency declaration to being the process in early November. Schultz said that MCP had estimated that about every month that we delay there is a cost of about \$100,000. Schultz said that the next contract Council would see would be for the construction manager at risk consultant. They bid the job and build the project. This would come forward in the middle of December or January.

Councilmember Schnetzer asked if this was included in the 2022 budget and not rolled into the bond issuance. Schultz responded that this was correct. Schultz said the Finance Department had gone through open purchase orders and came up with \$3 Million. Schnetzer confirmed that this figure is still in overall budget that had been discussed. Schultz said that is correct. MCP budgeted about \$2.7 of the \$60.9 Million project budget as architecture and engineering services.

Councilmember McGregor said if Schultz was saying that delaying this one-month cost \$100,000, is Schultz saying that with a delay of two weeks this would cost \$50,000? Mayor Jadwin asked if McGregor was suggesting the administration should be asking for a waiver. McGregor said yes and explained the logic between what was being said regarding the cost added for a month-long delay and an additional two weeks. Schultz said if Council would suggest adding a waiver, the administration would surely take the two extra weeks to get started. Jadwin said this request was out of respect for Council and the reticence displayed previously. Councilmember Weaver said he would oppose [a waiver]. Vice President Bowers asked if this was really going to change the expediency of the contract that much. She said she would prefer not to waive second reading. Schultz said emergency declaration is more important, as it gets the City started prior to Thanksgiving and December holidays.

**F. ADJOURNMENT:**

*With no further business before the Committee of the Whole, the Chair adjourned the meeting at 9:37 p.m.*

---

**Jeremy A. VanMeter**  
Clerk of Council

*APPROVED by the Committee of the Whole, this  
day of 2022.*

---

**Merisa K. Bowers**